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International Court of Justice

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Official transcript of the International Militaru Tribunal, in the matter of: The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nürnberg, Germany, on 19 December 1945, 1000-1245, Lord Justice Lawrence presiding.

DOCTOR SAUTER (Counsel for Defendant von Schirach): Yesterday a table was shown on the screen, in which the construction of the Reich Cabinet was exposed, which is under accusation as an organization. And on this chart, under the heading "Other Participants of the Meetings of the Cabinet", the Defendant von Schirach was also mentioned. The Defendant von Schirach has explained to me and asked me to inform the Court that he never took part in any meeting of the Reich Cabinet; that he had never been named a member of the Reich Cabinet; that he never took part in any decision formed by the Reich Cabinet.

THE PRESIDENT: The point the Defendant is taking seems to me to be premature. This isn't the proper stage for you to argue the question, whether your client is a member of the Reich Cabinet or not. The argument upon the whole question will take place after the evidence and after the Prosecution have had the opportunity of putting forward their arguments as to the criminal nature of the Reich Cabinet. You or other counsel on behalf of those concerned will be able to put forward your arguments. We don't desire to hear arguments now about the criminal nature, but to hear the evidence. Is that clear?

DOCTOR SAUTER: Yes. I shall therefore return to this point while the witnesses are being heard, and shall then try to prove that the Defendant von Schirach was never a part of the Reich Cabinet.

COL. STOREY: If the Tribunal please, yesterday afternoon we had just started on the participation of the SA in the first point--the dissemination of ideology or propaganda. In an article which appeared in "Der SA-Mann", at page 1 of the issue of January 1934, which is Document 3050-PS, and I refer to page 25 of the English translation--and I should like Document No. 3050, page 25, if your Honor please--the portion shown in red brackets. It is dated the 6th of January 1934:

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"The new Germany would not have been without the SA-Mann, and the new Germany would not exist if the SA-Mann would now, with the feeling of having fulfilled his duty, quietly and unselfishly and modestly step aside, or if the new state would send him home much like the soldier who has done his obligation. On the contrary, the SA-Mann, following the will of the Fuehrer, stands as a guarantee of the National Socialist revolution before the gates of power, and will remain standing there at all times. For still gigantic missions await fulfillment which would not be thinkable without the presence and the active cooperation of the SA. What has been accomplished up until now, the taking over of the power in the state, and the rejection of those elements which are responsible for the pernicious developments of the post-war years as bearers of Marxism, liberalism and capitalism, are only the preliminaries, the spring-board for the real aims of National Socialism. Being conscious of the fact that the real National Socialist construction work would be building in an empty space without the usurpation of power by Adolf Hitler, the Movement and the SA-Mann, as the aggressive bearer of its will, primarily have directed all of their efforts thereupon, to achieve the platform of continued striving and to obtain the fundamental or the realization of our desires in the State by force. Out of this comes the further missions of the SA for the completion of the German revolution: first, to be the guaranty of the power of the National Socialist State against all attacks from without as well as from within; second, to be the high institute of education of the people for the living National Socialism."

The function of SA as the propagandist of the Party was more than a responsibility which SA took unto itself. It was the responsibility recognized by the law of Germany. Document 1395-PS, which is the copy of the law entitled "The Law on Securing the Unity of Party and State", which I have referred to before--and it was promulgated by the Reich Cabinet in 1933--I desire to read Article 3, on page 1 of the English translation:

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"The members of the National Socialist German Party and the SA, including their subordinate organizations, as the leading and driving force of the National Socialist State, will bear greater responsibility toward the Fuehrer, people and State. In case they violate these duties they will be subject to special jurisdiction by Party and State. The Fuehrer may extend these regulations in order to include members of other organizations."

Thus were the SA members the ideology bearers of the Nazi Party--the soldiers of an idea, to use the expression employed by the Nazi writers. And permit me to emphasize that the SA was the propagandist agency, the principal agency employed by the conspirators to disseminate their fanaticism among the people of Germany.

If your Honor please, I had ended the quotation. I am sorry if I didn't refer to it.

I need hardly point out the importance of this function to the successful effectuation of the conspiracy, for it is self-evident that the Nazis could not have carried their conspiracy to the stages which they did had not the minds of the people of Germany been cruelly and viciously influenced and infected with their evil ideologies.

I now proceed to the other functions of the SA which I mentioned previously. The next is the use in the early stages of the conspiracy as the "strong-arm" of the NSDAP. In the early stages of the Nazi movement the employment of the SA as the propagandist instrument of the Party involved---and was combined with--the exercise of physical violence and brutality.

As said by Hitler in "Mein Kampf" --and this excerpt appears at page 4 of Document 2760, page 4 of the English translation, US Exhibit 256. I quote:

"The Young Movement from the first day, espoused the standpoint that its idea must be put forward spiritually but that the defense of this spiritual platform must, if necessary, be secured by strong-arm means."

I will read the rest of that paragraph:

"Faithful to its belief in the enormous significance of the new

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doctrine, it seems obvious to the Movement that for the attainment of its goal no sacrifice can be too great."

And so, in the early days of the Nazi movement--so that the Nazis might better spread their fanatical philosophies--the SA was employed as a terroristic group in order to gain for the Nazis possession and control of the streets. This is another way of saying that it was the function of the SA to beat up and terrorize all political opponents. The importance of this function is indicated in Document 2168-PS, USA Exhibit No. 411, which was written by SA Sturmfuehrer Bayer, upon orders from SA Headquarters. And I refer to page 3 of the English translation of Document 2168, the third paragraph from the bottom. Quoting:

"Possession of the streets is the key to power in the State--for this reason the SA marched and fought. The public would never have received

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knowledge from the agitative speeches of the little Reichstag faction and its propaganda or from the desires and aims of the party if the martial tread and battle song of the SA Companies had not beat the measures for the truth of a relentless criticism of the state of affairs in the governmental system. They wanted the young Movement to keep silent. Nothing was to be read in the press about the labor of the National Socialists, not to mention the basic aims of its platform. They simply did not want to awake any interest in it. However, the martial tread of the SA took care that even the drowsiest citizens had to see at least the existence of a fighting troop."

The importance of this work of the SA in the early days of the movement was indicated by Goebbels in a speech which appeared in "Das Archiv", October 1935. This is our Document 3211-PS, USA Exhibit 419. It is on the first page of the English translation, No. 3211. Quoting:

"The inner-political opponents did not disappear due to mysterious unknown reasons but because the Movement possessed a strong-arm within its organization, and the strongest arm of the Movement is the SA. The Jewish question will not be solved separately but by laws which we enact, for we are the anti-Jewish Government."

Specific evidence of the activities of the SA during the early period of the Nazi movement, from 1922 to 1931, is found in a series of articles appearing in "Der SA-Mann", entitled, "SA Battle Experiences which we Will Never Forget." Each of these articles is an account of a street or a meeting hall battle waged by the SA against a group of political opponents in the early days of the Nazi struggle for power. These articles demonstrate that during this period it was the function of the SA to employ physical violence in order to destroy and subvert all forms of thought and expression which might be considered hostile to the Nazi aims or philosophy.

A number of such articles have been translated, and the titles are sufficiently descriptive to constitute evidence of the activities of the SA in the early stages of the Nazi movement. I should like to quote from a few of these titles by giving the page reference of this big newspaper volume.

Here is one of 24 February 1934, page 4. The title: "We Subdue the Red Terror."

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8th of September 1934, page 12. The article is entitled, "Nightly Street Battle on the Czech Border."

6th of October 1934, page 5: "Street Battle in Chemnitz."

THE PRESIDENT: In where?

COL. STOREY: C-H-E-M-N-I-T-Z -- Chemnitz.

Another one of 20 October 1934, page 7. The title: "Victorious SA."

I will skip several of them. Here is one of 26 January 1935, page 5. The title: "The SA Conquers Rastenburg -- R-A-S-T-E-N-B-U-R-G.

Another on 23 February 1935: "Company 88 Receives its Baptism of Fire."

One of 20 October 1934, page 7. The article is "SA against Sub-Humanity."

Finally, I mention the one of 10 ugust 1935, page 10. The title is, "The Blood Sunday of Berlin."

And then there is a portrait in the article of 11 September 1937, page 1, which symbolizes the SA Man as the "Master of the Streets."

For an example of the nature of these articles, one appeared in the Franken Edition of the SA-Mann for 30 October 1937, page three. It is entitled, "9 November 1923 in Nurnberg," and I should like to quote from pages fourteen and fifteen of Document 3050-PS, which is an English translation of this article.

"We stayed overnight in the Colosseum (that means Nurnberg). Then in the morning we found out what had happened in Munich. 'Now a revolution will also be made in Nurnberg', we said. All of a sudden the Police came from the Maxtor Guard and told us that we should go home, that the Putch in Munich failed. We did not believe that and we did not go home. Then came the State Police with fixed bayonets and drove us out of the hall. One of us then shouted "Let's go to the Cafe Habsburg!" By the time we arrived, however, the Police again had everything surrounded. Some shouted then: "The Jewish place will be stormed ... Out with the Jews!" Then the Police started to beat us up. Then we divided into small groups and roamed through town and wherever we caught a Red or a Jew we knew, a fist fight ensued.

"Then in the evening we marched, although the Police had forbidden it, to a meeting in Furth. During the promenade again the police attempted to stop us. It was all the same to us. Already in the next moment we attacked the

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police in our anger so that they were forced to flee. We marched on to the Geissmann Hall. There again they tried to stop us. But the Landstrum, which was also there, attacked the protection forces like persons possessed, and drove them from the streets. After the meeting we dissolved and went to the edge of town. From there we marched in close column back to Nurnberg. In the Will Street near the Pfarrer the Police came again. We simply shoved them aside. They did not trust themselves to attack, for what would a blood bath have meant? We decided beforehand not to take anything from anyone. Also in Furth they had already noticed that we were up to no good. A large mass of people accompanied us on the march. We marched with unrolled flags and sang so that the streets resounded: Comrade reach me your hand; we want to stand together, even though they have false impressions, the spirit must not die, Swastika on the steel helmet, black-white-red armband, we are known as Storm Troop (SA) Hitler!".

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I now skip to the use of the SA to consolidate the power of the Party. The third function of the SA was to carry out various programs designed to consolidate Nazi control of the German State, including particularly the dissolution of the Trade Unions and the Jewish persecutions.

The SA groups were employed to destroy political opposition by force and brutality wherever necessary. An example of this is shown in document No. 3221-PS, US Exhibit No. 442, and that is an original affidavit made in the State of Pennsylvania, in the United States of America, by William F. Sollman, which we now quote in its entirety.

"William F. Sollman, Pendle Hill School, Wallingford, Pennsylvania, being duly sworn according to law deposes and says. From 1919 until 1933 I was a Social Democrat and a member of the German Reichstag. Prior to March 11th, 1933, I was the Editor in Chief of a chain of daily newspapers with my office in Cologne, Germany, which led the fight against the Nazi Party. On March 9th, 1933, members of the SS and SA came to my home in Cologne and destroyed the furniture and my personal records. At that time I was taken to the Brown House in Cologne, where I was tortured, being beaten and kicked for several hours. I was then taken to the regular Government prison in Cologne where I was treated by two medical doctors and released the next day. On March 11th, 1933, I left Germany." Signed and sworn to.

Prior to the organization of the Gestapo on a national scale, local SA meeting places were designated as arrest points, and the SA members were employed in the taking into custody of Communists and other persons who were actually or supposedly hostile to the Nazi Party. This activity is described in document No. 1759-PS, US Exhibit No. 420, which is an original affidavit by Raymond H. Geist (G-e-i-s-t). Mr. Geist was formerly United States Consul in Berlin. He is now in Mexico City. I should like to quote from a portion of

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his affidavit, the first being on page five of the English translation, about the middle of the page, starting:

"At the beginning of the Hitler regime, the only organization which had meeting places throughout the country was the SA (Storm Troopers). Until the Gestapo could be organized on a national scale the thousands of local SA meeting places became the arrest points. There were at least fifty of these in Berlin. Communists, Jews and other known enemies of the Nazi Party were taken to these points, and if they were enemies of sufficient importance they were immediately transferred to the Gestapo headquarters. During 1933 and 1934, when the Gestapo became universally organized, the SA were gradually eliminated as arresting agents, and the SS were incorporated as administrative and executive officials into the Gestapo. By the end of 1934 the SA had been fairly well eliminated and the SS, the members of which wore elegant black suits and were therefore called Elite Guards, became almost identical as functionaries with the Gestapo."

I now pass to page seven of this same document, page seven of the English translation. It begins--

THE PRESIDENT: Colonel Storey, does that mean that the SA were eliminated for the purpose of arrest or for other purposes too?

COLONEL STOREY: No, sir. As I understand, sir, the SA reached its height of popularity in 1934, and immediately after the Roehm purge began to decline. In the meantime, the SS, which originated out of the SA, was growing and became really the strong part and grew and prospered after that. So I think the evidence will show that after 1934 the SA started a rapid decline in its importance.

Now, on page seven of the English translation I should like to quote a part of the Consul's report, beginning in the middle of the page. Another American, Herman I. Roseman, made an affidavit which stated: "Yesterday, March 10th, 1933, in the afternoon about 4.30, I came out of KDW with my fiancee, Fraulein Else Schwarzlose, residing in Wilmersdorf (giving the address).

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A man in S.A. uniform stepped on my toe purposely, obviously offended me and said "Pardon." I said "bitte", and walked ahead. He followed me and kicked me saying: "Na und?" A policeman saw this and walked ahead, paying no attention to attacks made on me. Then I took my passport out of my pocket, showed it to the second policeman, and said that I was an American citizen, but he walked ahead, obviously not able to afford me protection, or at least being unwilling. The S.A. man continued to attack me, struck me in the face, wounded me over the eye, and continued to do me bodily harm. During this attack, all the time my walking along, we reached another policeman, and I applied to him, showing my passport and said: "I am an American and am entitled to protection." He shrugged his shoulder and said "What can I do?" By this time the S.A. man had obviously inflicted enough attack upon me and walked away.

Upon my appeal the policeman brought my fiancee and me to the station house at 13 Bayreither Strasse. My fiancee and I reported to the officer in charge. He heard the story and said that he was sorry, but that there was nothing to do. My face was bleeding. The policeman said that he had had orders not to interfere in any affair in which an S.A. man took part. I then asked him what I could do to protect myself. He said that there was nothing to do but wait until the situation was better. He added that the police were absolutely powerless, and were under the direction of the S.A., and that there were S.A. Sturm-Abteilung in the police itself. Thereupon I departed..."

Now on the next page, on page eight, is another American, Mrs Jean Klauber, and I quote from her affidavit,

"On the night of Friday, March 10, 1933, she and her husband had retired for the night when they were awakened by a prolonged ringing of their apartment bell. They heard pounding upon the street door and a demand for immediate entry, and a concurrent threat to break the door down. The street door was opened by the janitor's wife, and a party of four or five men entered and went at once to the apartment of the deponent where they again rang and pounded on the door. Mr Klauber asked who was there,

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and was answered - "The police". He opened the door and a party of four or five men in brown uniforms, one wearing a dark overcoat and carrying a rifle, pushed in, jostling Mr. and Mrs. Klauber aside. One asked Mrs. Klauber where the telephone was and she indicated the room where it was to be found, and started to go there. Thereupon, she was knocked down by one of them. They went on to the bedroom where Mr. Mrs. Klauber followed them, and there they demanded their passports. Mr. Klauber went to the wardrobe to get his, and was stopped, being asked by the intruders whether he was carrying any weapons. Being clothed only in pyjamas, his denial was accompanied by a gesture indicating his garb. He then turned to the wardrobe, opened it, and reached for one of his four suits hanging therein where he thought the passport was, and was immediately attacked from behind by all but one of the intruders, who beat him severely with police clubs, the one with the overcoat and rifle standing by. Remarks were shouted such as "Look. Four suits, while for fourteen years we have been starving." Mrs Klauber tried to inquire the reason for their action and was answered - "Jews. We hate you. For fourteen years we have been waiting for this, and tonight we'll hang many of you".

When the intruders stopped beating Mr. Klauber he was unconcious, and they demanded the passports again of Mrs. Klauber. Mrs Klauber found her American passport and her German passport (required by local authorities as the wife of a German citizen, and issued by the Police at Munich after her arrival here), and the intruders took both in spite of Mrs. Klauber's protests that she was American. She then searched for her husband's passport, laid hold of his pocket-book, and in her excitement offered it to them. Though full of money they refused it, and again demanded the passport. Mrs. Klauber then found it and handed it over.

Then the intruders returned to the unconcious Mr. Klauber, saying "He hasn't had enough yet," and beat him further. Then they left, saying "We are not yet finished," and just as they departed, one of them said to Mrs. Klauber "Why did you marry a Jew? I hate them" and struck her on the jaw with his police club..."

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That is the end of the affidavit. Now continuing, the next paragraph is the statement of the Consul.

I personally can verify that the police had been instructed not to interfere; that is that there was official sanction for these activities. Affidavits taken from numerous victims attest this fact. I had become acquainted with the two police officers stationed at the corner of Bellevu strasse and Tiergartenstrasse near where the Consulate General was located; these officers told me that they and all the other police officers had received definite instructions not to interfere with the S.A., the S.S. or the Hitler Youth.

In addition, SA members served as guards at concentration camps during this consolidating period and participated in the persecution and mistreatment of persons employed therein. I now refer to document 2824-PS, which is a book entitled, "Concentration Camp at Oranienburg." It is U.S. Exhibit 423. This was by an SA Sturmbannfuehrer named Schaefer, who was the commander of the concentration camp at Oranienburg. I quote the excerpt on the first page of the English translation reading:

"The most trusted, boldest SA men were selected in order to give them homes in the camp, since they were the permanent camp guards, and in such a manner we created a cadre of experienced guardsmen who were constantly prepared to be employed."

Further evidence concerning the operation of the concentration camps with the SA is found in Document 778-PS, U.S. Exhinit 421. This is a report to Hitler from the public prosecutor of Dresden concerning the nolle-pressing of one Vogel, who was accused of mistreatment of persons employed in the concentration camp. I quote from that report, beginning at the first, Document 778.

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The prosecuting authority in Dresden has indicted Oberegieruhgsrat Erich Vogel in Dresden on account of bodily injury while in office. The following subject matter is the basis of the process:

Vogel belongs to the Gestapo office of the province of Saxony since its foundation and is chief of Main section II, which formerly bore the title ZUB. In the process of combatting efforts inimical to the State Vogel carried out several so called borderland actions in the year 1933 in which a large number of politically unreliable persons and persons who had become political prisoners in the border territories were taken into protective custody and brought to the Hohnstein protective custody camp. In the camp serious mistreatment of the prisoners has been going on at least since summer of 1933. The prisoners were not only, as in protective custody camp Bredow near Stettin, beatin into a state of unconsciousness for no reason, with whips and other tools, but were also tortured in other ways, as for instance with a drip-apparatus especially constructed for the purpose, under which the prisoners had to stand so long that they came away with serious purulent wounds of the scalp. The guilty SA-leaders and SA-men were sentenced to punishments of 6 years to 9 months of imprisonment by the main criminal court of the provincial court in Dresden of 15 May 1935. Vogel, whose duties frequently brought him to the camp, took part in this mistreatment, insofar as it happened in the reception room of the camp during completion of the reception formalities, and in the supply room, during issuing of the blankets. In this respect it should be pointed out that Vogel was generally known to the personnel of the camp - exactly because of his function as head of the ZUB - and his conduct became at least partly a standard for the above-named conduct of the SA leaders and men.

I want to read the remainder of that question. I am sorry, I don't have it here. That is a little portion there that should be read immediately following my statement, and then I started - I will skip to the quotation just below there.

"Vogel stayed in the reception room a long time and watched these proceedings without doing anything about them. In his prescence for

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instance, the SA-man Mutze dealt such blows to one man, without provocation, that he turned around on himself. As already stated, Vogel not only took no steps against this treatment of the prisoners, but he even made jokes about it and stated that it amused him the way things were popping here.

In the supply room Vogel himself took a hand in the beating amid the general severe mistreatment. The SA man there employed whips and other articles and beat the prisoners in such a manner that serious injuries were produced, the prisoners partly became unconscious and had to lie in the dispensary a long time. Vogel was often present in the supply room during the mistreatment. At least in the following cases he personally laid violent hands upon prisoners. And then skipping down:

The prisoner was laid across the counter in the usual manner, held fast by the head and arms, and then beaten for a considerable time by the SA men with whips and other articles. Along with this Vogel himself took part in the beating for a time, and after this mistreatment slapped him again, so that the prisoner appeared green abd blue in the face. The prisoner is the tinsmith Hans Kuhitz, who bore the nickname Johnny. Upon his departure, Vogel gave the head of the supply room, Truppenfuhrer Meier from 5 to 6 reichsmarks with the stated reason that the SA men "had sweated so". The money was then distributed by Meier to those SA comrades who had taken part in the mistreatment.

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Another activity of the SA during the days just following the Nazi seizure of power was to act as auxiliary police. This is shown in Document 3252-PS, U. S. Exhibit 424. This publication is a book written by Herman Goering.

THE PRESIDENT: Colonel Storey, is that a document which shows on its face that the man was punished for this conduct?

COLONEL STOREY: I think it does; yes, sir. I think it does.

THE PRESIDENT: I think that fact ought to be stated.

COLONEL STOREY: I believe it is stated, sir. You see, in the beginning it says that the prosecuting authority in Dresden had indicted Vogel on account of bodily injury, and I thought it stated that he had been punished.

THE PRESIDENT: The document does appear to state it, but I think you ought to tell it in court. The document ends up with -- paragraph three --

COLONEL STOREY: It does state that he was punished. The purpose of introducing it was to show what actually took place.

I now turn to Document 3252-PS. As I have just mentioned, the book is entitled, "Hermann Goering, the Man and His Work" by Erich Gritzbach, in which it is declared that the ranks of the Security Police were strengthened by the SA, and which was characterized as the most reliable instrument of the movement. I should like to quote on the first page of Document 3252, the English translation, -- it is the fourth paragraph:

"The present reorganization of the Security Police is hardly noticed by the public. Their ranks are strengthened by the SA, the most reliable instrument of the movement. The Auxiliary Police has given effective aid by their fighting spirit in the struggle against the Communists and other enemies of the State, not only to Goering, but has, driven by their national socialist desire for a new spirit within the executive police, assisted in their rigid organization.

I now skip to the SA participation in the Jewish Program of 10-11 November 1938, shown by Document 1721-PS, USA Exhibit 425. This is a confidential report of the SA Brigade Fuehrer to his Group Commander, dated

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29 November 1938, on the English translation, starting at the beginning. Without reading the addresses, it is to SA Group Electoral Palatinate (Kurpfalz) Mannheim.

The following order reached me at 3 o'clock on 10 November 1938.

"On the order of the Gruppenfuehrer, all the Jewish synagogues within the 50th Brigade are to be blown up or set on fire immediately."

"Neighboring houses occupied by Aryans are not to be damaged. The action is to be carried out in civilian clothes. Rioting and plundering are to be prevented. Report of execution of orders to reach Brigade Fuehrer or office by 8:30."

I immediately alerted the Standartenfuehrer and gave them the most exact instructions; the execution of the order began at once.

I hereby report that the following were destroyed in the area of:

There then follows a list of 35 synagogues that were destroyed. I just refer to a few of them:

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In Standarte 186 the first synagogue in Beerfelden was blown up, and then follow several others where the furnishings were wrecked.
In Standarte 221 the first synagogue and Chapel in Gross Cerau was destroyed by fire, and the next one torn down and the furnishings destroyed; and then it is signed by the Fuehrer of Brigade 50, by a signature which is illegible, "Brigade Fuehrer."

In connection with the persecutions of the Jews, we again find the SA performing its function of propaganda agency for the Nazis. In this connection it was the function of SA to create and foster among the Jewish people an anti-Jewish spirit and sentiment without which the terrifying crimes against humanity perpetrated against the Jewish race certainly would not have been tolerated by any civilized peoples. Substantial and convincing evidence of this function is to be found in these bound volumes of "Der SA-Mann." Throughout the period covered by these volumes there appeared in this publication article after article consisting of the most cruel and vicious sort of anti-religious propaganda designed to engender and foster hatred and hostility toward the Jewish race.

I will simply refer to a few of the titles appearing. On 27 July 1935, at page 4, the title is "Finish up with the Jew." That is shown, if your Honor please, in Document 3050, pages 16 to 18 there listed. In the issue of 2 February 1935, page 5, the title is "The Jewish World Danger"; on 20 July 1935, page 4, "Jewish Worries"; "One Jew"; in 1935, page 1, "Jews Are Not Wanted Here"; and then follows a statement: "Then, also, outside of the last German the sign will stand 'Jews Are Not Wanted Here'; and then, finally, no German citizen will again cross the threshold of a Jewish door. To achieve this goal is the mission of the SA man as the political soldier of the Fuehrer. Next to his word and his explanations stands his example."

Then on 17 August 1935, page 1, "God Save the Jew." Under 5 October, 1935, page 6, the title "The Face of the Jew" with a portrait of a Jew holding the hammer and sickle.

I will just refer to one or two more of them. Here is one on 23 November 1935, page 2. The title "The Camouflaged Benjamin - Jewish

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Cultural Bolshevism in German music."

Here is one of 2 January, 1937, page 6, a hideous-looking picture, the title being "Rumania to the Jews."

I give the final quotation, the last one, 3 February 1939, page 14, the title being "Friends of the World Jewry - Roosevelt and Ickes."

The impressive thing about these articles is the fact that it was not intended that the philosophies expressed in them should be confined to members of SA; on the contrary, the plan was to educate the members of the SA with this iniquitous philosophy and for the SA in turn, to be employed for its dissemination into the minds of the German people. This fact is demonstrated in the introduction to a series of anti-Jewish articles in the paper of 5 December, 1936, at page 6. I will just read the title. It is found on page 28 of the same document and the title is as follows: "Grave Diggers of World Culture." Also on that same page, 28, I quote this statement:

"We suggest that the comrades especially take notice of this series of articles and see that they are further circulated."

In addition, intensive campaigns were conducted to persuade the public to purchase and read "Der SA-Mann" and the various issues were posted in public places so that the general public might read them. "Der SA-Mann" itself contained several photographs which show particular issues posted upon street bulletin boards; and there are several photographs showing the advertising displays, one of which, for example, reads as follows -- this is in the issue of 31 October 1936: "Der SA-Mann belongs in every house, every hotel, every inn, every waiting room, and every store." Also in the issue of 24 August 1935, at page 3, there was a group picture of SA men on trucks and in front of the trucks were large signs, one of which read: "Read the Stuhrmer and you will know the Jew." On the same page there is a photograph of what appears to be a public rally, at which there is displayed a large poster which reads: "He who knows the Jew, knows the Devil!"

THE PRESIDENT: Colonel Storey, the Tribunal expressed its view yesterday that they did not desire to hear cumulative evidence. Isn't

this rather cumulative?

COL. STOREY: I agree with your Honor that possibly it is. I am trying to draw the line on it. I will omit the rest of them.

Now we will pass to the final phase of the function of the SA in the conspiracy.

THE PRESIDENT: Perhaps we had better adjourn now for ten minutes.

(A recess was taken from 1112 to 1130 hours).

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COL. STOREY: If your Honor please, I have just started into the function of the SA in the conspiracy, that of its participation in the program for preparation for warfare.

In this connection, your Honors asked this morning a question about the arresting and police activities of the SA, and I mentioned that they had declined after 1934. For fear there was some misapprehension, I would like to state that as a police organization and as an arresting agency, they declined steadily after 1934.

We go now into the phase where they went into military preparations, the next phase, and that is the phase with which I deal now. If your Honor please, I have here an official government publication issued by the British government in 1943, the title being, "The Nazi Party and Organizations", and I should like to quote as to the organization and membership of the SA from that publication. It is the most authoritative that I have been able to find, and I would like to quote briefly from it:

"The SA were founded in 1921 as a para-military organization to protect Nazi meetings and leaders, to throw out interrupters and hecklers, to fight political enemies --"

THE PRESIDENT: Did you say 1941?

COL. STOREY: 1921. This is just a brief description of when they were organized and their membership.

THE PRESIDENT: Yes.

COL. STOREY: "-- to fight political enemies and to provide pre-military training at a time when the legal Reichswehr was limited to 100,000 men. Their highest leader is Hitler himself, his deputy is the Stabschef (Chief of Staff der SA, from 1930 till June 1934, Roehm; from then onwards till his death in May 1943, Victor Lutze; since August 1943, Wilhelm Schepmann). In January 1933 the SA had only 300,000 members. After the seizure of power, its strength increased quickly; at present it has a membership of 1,500,000 to 2,000,000." Now, the date of this is 1943.

We find the SA employed to inculcate a particular Nazi ideology into the minds of the people of Germany. At this point it was the function of SA to prepare Germany -- mentally for the waging of a vicious and aggressive

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war.

At all times, and especially during the period from 1933 to 1939, SA leaders emphasized to SA members the duty and responsibility of creating and fostering a militaristic spirit throughout Germany. In 1933 Hitler established the so-called SA sports program, and at that time, according to Sturmfuehrer Payer in his pamphlet "The SA", which I have previously introduced in evidence as Document 2168-PS, the SA at that time was "commissioned to obtain an increase of and preservation of a warlike power and a warlike spirit as the expression of an aggressive attitude."

In 1937 Hitler renewed the so-called sports program, and, as recited in Document 3050-PS, which is the English translation of these newspaper articles, on page 12, he has a statement: "for the fostering of a military spirit."

The Organization Book of the Party is to the same effect. Document 3220-PS, which is USA Exhibit 323. I quote from a portion of that document -- paragraphs one to three on page one of the English translation, beginning at the first paragraph:

"While the political organization of the NSDAP has carried out the political leadership, the SA is the training and education instrument of the Party for the realization of the world-philosophical soldier-like attitude.

"In conformity with the directives of the Fuehrer at the time of the Reich Party Meeting of Freedom, the SA is as the voluntary political soldiery, the guarantor of the National Socialist Movement, of the National Socialist Revolution and of the resurgence of the German people.

"Consequently, the young German in the SA is being inculcated in the first instance from the standpoint of world philosophy and character, and trained as the bearer of National Socialist armed will.

"Equally significant is a suitable education and training which the SA has accomplished within the yearly classes, and which have satisfied their arms obligation. This prevails until the age they, in all their spiritual, mental and physical powers, are ready for use in maintaining the Movement, the People and State. They should find their best home in the SA. All that

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which could divide them economically, culturally, professionally or because of origin is being overcome in the SA by the spirit of comradeship and manly dignity.

"In that manner the SA is building a decisive factor on the path to a popular community. Its spirit should radiate with soldierly tradition and possibility of application on all existing units outside of the movement. Their guardianship is thus an important mission of the SA."

A number of the articles which were obviously designed to serve as war propaganda material have been translated; in other cases it has been deemed sufficient to translate merely the titles of articles, the titles in themselves being so descriptive that they

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disclose the nature and substance of the articles. I should like to refer to a few of these titles on this subject. They are shown on the English translatio of 3050, and they are listed on Page 1.

On the question of the Nazi Lebensraum philosophy, there is, first, in the issue of 5 January 1935, page 13, the article "The German Living Space." The issue of 10 October 1936, page 15, "Our Right, Our Colonies." Another, of 14 October 1938, page 3, "Space and Folk." "Colonies for Germany", 2 Janua 1937, page 4. I should like to quote briefly from that article. I believe that it is on Page 1 of the English translation, 3050:

"The German Ambassador in London, Herr von Ribbentrop, recently, on occasion of a reception in the Anglo-German Fellowship has renewed, in a speech which aroused great interest, the unretractable claim of Germany for the restitution of its colonies which had been snatched away.

"Shortly thereafter the Reichsbank president and Reich Minister of Economics, Dr. Schacht, published in the English magazine, 'Foreign Affairs' a detailed article on the German colonial problem."

That is on Page 2, I believe, of the English translation.

"For the rest Dr. Schacht laid out the categorical demand that Germany must, in order to solve its raw materials problem, get colonies, which must be administered by Germany, and in which the German standard currency must be in circulation."

Now, the next group is articles dealing with the Versailles Treaty, and I will only quote from a few of them on Page 3 of that same translation. Here's one of 7 April 1934, Page 13, "What is the Situation regarding our battle for Equal Rights?" Another is entitled, "The Dictate of Versailles", 30 June 1934, page 15. The article reads in part:

"The dictate of Versailles established the political, economical and financial destruction of Germany in 440 artfully--one could also say--devilishly devised paragraphs; this work of ignominy is a sample of endless and partly contradictory repetitions in constantly new forms. Not too many have occupied themselves with this thick book to a great extent, for one could only do it with abomination."

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Another is 7 July 1934, Page 15, "The Unbearable Limitations on our Fleet". Another one: 19 January 1935, Page 13, "Versailles after 15 Years". This article reads in part:

"This terrible word 'Versailles', since a blind nation ratified it, has become a word of profanity for all those who are infatuated in the spirit of this enormous production of hatred. The Versailles dictate in German fate in the fullest sense of the word. Every German stood up under the operation of this fate during the past 15 years. Therefore, every last German must also grasp the contents of this dictate so that one single desire of its absolute destruction fills the whole German volk."

I'll omit the other quotation. The last one I'll refer to is "Versailles Will be Liquidated", 13 February 1937. I quote: If Your Honor please, this is the last paragraph on Page 4 of the English translation:

"The National Socialist Movement has again achieved a victory, for upon its flag since the beginning of the fight stands: The liquidation of the Versailles Treaty. For this fight the SA marched year after year."

A third group consists of articles describing preparations for war, purportedly being carried on by other nations. I'll refer to just a few of them:

The issue of 26 January 1935, Page 14, "Military Training of English Youth", showing pictures of Eton students wearing traditional Eton dress -- tall hats and frock coats -- marching with rifles.

Another one is "The Army of the Soviet Union", dated 16 March 1935, Page 3

Another one, 4 April 1936, "The Red Danger in the East."

Another one, 29 August 1936, Page 10, "Russia Prepares for World War."

Another one, 19 June 1937, "Red Terrorism Nailed Down".

I shall pass the rest of them.

Now, the rest is the SA participation in the aggressive war phase of the conspiracy--the preparation by SA of the youth of Germany for participation in aggressive warfare. I hardly think I need emphasize that one of the most important steps in carrying out the conspiracy was the training of the youth of Germany in the technique of war and their preparation physically and spiritually for the waging of aggressive war. To the SA was delegated this

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most important responsibility. I have here Document No. 3215-PS, USA Exhibit 426, which I offer in evidence, and it is an excerpt from "Das Archiv" and contains Hitler's characterization of the task of the SA in this respect. It is on Page 1 of the English translation of 3215-PS. I start the reading where it says, "Already in 1920--":

"Already in 1920 by the founding of the National Socialist Sports Troop (SA) the Fuehrer established the extensive mission of this SA at that time in which he declared in the protocol of its founding:

"'The Sports Troop is and shall be the bearer of the military thought of a free people.'

"In the same sense the Fuehrer said in his book, "Mein Kampf":

"'Give the German Nation six million perfectly trained bodies in sport, all fanatically inspired with the love for the Fatherland and trained to the highest offensive spirit and a National Socialist State will, if necessary, have created an Army out of them in less than two years.'"

The military character of the SA is demonstrated by its organizational composition. I refer to the chart on the wall, which is our Document 2168, and it is taken from this book, the official book. I simply refer to the chart and call to the attention of Your Honor that it was organized into units closely corresponding to those of the German Army. As the Tribunal will see, the organizational scheme consisted of divisions. Down at the bottom in that pyramidal structure at the top, the division, next the brigade, the regiment, the battalion, the company, the platoon and the squad.

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In addition, there were special units and branches, including cavalry, signal corps, engineer corps, and medical corps. There were also, as Bayer points out in his pamphlet, three officer training schools. Similarly, SA members wore distinctive uniforms adapted to military functions, bore arms, and engaged in training, forced marches, and other military exercises.

SA members, moreover, were governed by general service regulations, which closely resembled service regulations of an armed force. They are contained in Document 2820-PS, USA Exhibit 427, which I offer in evidence. If your Honor please, th - are found at Page 3 of the translation of 2820. I will simply refer to a few of them. These regulations provide for punishment, designating them as penal regulations, for disobedience of orders and infractions of regulations. The punishments which are provided demonstrate the militaristic character of the SA and include the following:

Reprimand in private; reprimand in presence of superiors and announcement thereof at formations; prohibition of right to wear the service uniform; house arrest; arrest and confinement in jail; demotion in rank; prohibition of right to carry weapon.

Preparation for war through the SA training program was commenced in Germany as early as 1933, but the scope of this program was not made public because of the fact that it actually constituted a violation of the Treaty of Versailles. The strict secrecy with which the program was surrounded is shown in Document D-44, which is US Exhibit 428. I offer it in evidence.

On Page 1 of the English translation--this is from the Supreme Command of the SA, Chief of Staff, and it has to do with publications on the SA:

"Further to my instruction Z II 1351/33 dated 11 July 33, I find cause to ask all SA authorities to exercise the greatest caution with regard to any publicity given to the SA service not only in the press but also in the information and news sheets of the individual SA units.

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"Only during the last few days, the Reich Ministry of the Interior, at the request of the Foreign Office, has given strict instructions to all Reich authorities according to which the most severe control is to be exercised on all publications which might give other countries an opening to construe German infringements of the terms of the Versailles Treaty.

"As is known from the Geneva negotiations, our opponents have piled up material collected in Germany and submitted to them, which they use against us on every occasion during the conferences.

"From this point of view, the information sheets circulating among the subordinate SA units cause the liveliest concern. I hold all higher SA leaders responsible that any such internal information sheets appearing in the district of their command are submitted to the most stringent control before they go into print, and I feel compelled to draw attention to the threat of a prosecution for treason pronounced by official instructions issued in the last few days in cases where such reports, printed no doubt in good faith, are publicized and therefore exposed to the danger of falling into the wrong hands.

"On principle, pictures of the technical specialized units of the SA and SS, in particular of the signals motorized and possibly also of the air wings which now exist outside these formations, are forbidden, such pictures enabling other countries to prove the alleged formation of technical troop units."

Similarly, secrecy was provided for in the order assigning a Wehrmacht officer to the SA in January, 1934 to assist in the SA training program. This document, 2823-PS, US Exhibit 429, which is a copy of a memorandum of SA Headquarters dated 20 January 1934, designates an officer of the Wehrmacht to assist in the military training of SA members, and it goes on to provide, and I quote from paragraph 7 of the English translation of 2823:

"For the purpose of camouflage, Lt. Col. Auleb will wear SA uniform with insignia of rank according to more detailed regulations of the Supreme SA leaders."

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The military training program of the SA was for many years conducted under the guise of the sports program. This plan was created by Hitler as early as 1920 by founding of what he called the Sports Program. The fact that the so-called Sports Program was in reality closely associated with, and in fact a means of providing, military training for the German youth is shown by the following characterization of the program by Lutze, the Chief of Staff of SA, in an article written in 1939. I now refer to document 3215, US Exhibit 426, and I quote excerpts of the English translation on Page 2:

"This goal setting also served for the decrees of the Fuehrer to the SA of 1935 regarding the renewing of, in 1936 regarding the evaluation of, in 1937 regarding the yearly repetitive exercises of the SA sport badge. Parallel to this decree of the Fuehrer for the physical betterment and military training the organizational and development missions within the SA were met. Out of the conception that the preservation and intensification of the military power of our people must especially be requested by military and physical exercises, the training was especially carried out systematically in these fields. In 25 schools of the troop and in three Reichsfuehrer schools of the SA yearly 22,000 to 25,000 officers and non-coms were trained since 1934 in special educational courses until they possessed the education and examination certificates. In clearly outlined training directives the training goals which had to be achieved yearly were given and at the same time the yearly Reich competitive contests were established. Hand in hand the training of the Fuehrer Corps and corresponding organizational measures and the training at the front proceeded on the broadest basis."

In connection with the military training of the sports program, I refer to Document 2354, US Exhibit 420, which demonstrates the tests and standards required

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for obtaining the sports award, Document 2354, Page 2 of the English translation. I am not going to read all of it, if your Honor please, but just refer to a few of them.

"Group II: Military sports; 25-kilometer march with pack; firing of small-caliber arms; aimed throwing of hand grenades, 200 meter cross-country race with gas masks over four obstacles; swimming or bicycle riding; basic knowledge of first aid in case of accidents."

I will pass the others.

In 1939 the SA Sports Program was formally recognized in a decree issued by Hitler as a military training program, and the SA was openly declared to be an agency for pre and post military training, that is, for military training prior to or following service in the Wehrmacht. I have Document 2383-PS.

THE PRESIDENT: Colonel Storey, you have just drawn our attention to a document, 3251-PS, which shows that from 1934 onwards, 25,000 officers and non-commissioned officers were trained by the SA.

COLONEL STOREY: Yes, sir.

THE PRESIDENT: Isn't that sufficient to show the military nature of the organization?

COLONEL STOREY: I think so. This was just the decree of Hitler. May I just refer to it by reference for the record? I will not read the decree.

THE PRESIDENT: Go on; what are you referring to?

COLONEL STOREY: Document 2383, Page 1 of the English translation contains a copy of the decree legalizing the training program for pre and post military training.

It would have been one thing for the SA to conduct a military training program for its members, but the SA program was not confined to its members. The entire youth of Germany was enlisted into a feverish program of military training.

I refer to a quotation in Document 2354-PS, from the same organization book, which is at Page 2 of the English translation, in which the Chief of Staff Lutze said, and I quote briefly:

"In order to give conscious expression to the fostering of a valiant spirit in all parts of the German people, I further decide that this SA

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Sport Insignia can also be earned and worn by persons who are not members of the movement, inasfar as they comply racially and ideologically with the National Socialist requirements."

Document 2168-PS (41) shows that responsibility for conducting this nation-wide program was lodged in the operational main office of the SA. Page 8 of the English translation says, and I quote:

"Prepare the fighting training of the bodies of all Germans capable of bearing arms and as a preparation therefor must organize the execution of corporal exercises and sports achievements, so that the widest stratum of the population is laid hold upon and will be kept in condition to bear arms both physically and spiritually, as well as ideologically in character up to greatest old age."

I pass from that phase now.

Document 3251 (15), which is an excerpt from "Das Archiv", and I refer to Page 2 to 3 of the English translation beginning at the bottom of Page 2, and I quote:

"Next to the companies of the SA were the sport badge associations in which all the militaristic nationals entered who were prepared to voluntarily answer the call of the SA for the preservation of military proficiency. Up until now around 800,000 nationals outside of the SA could successfully undergo the physical betterment as well as the political military training of the SA on the basis of the SA sport badge.

"As pronounced proof therefor it may be shown"--well, I will not read that portion.

The military program of the SA was no mere marching and drill society. It embraced every phase of the technique of modern warfare. This is particularly demonstrated by consideration of the articles on military training which appeared publicly throughout the issues of the "SA-Mann." I should like to refer to only a few of the titles, and they are set out on Pages 8 and 10 of Document 3050. It is a great long list, and I will only refer to five or six.

There is one of them, 17 February 1934, Page 7, "Pistol Shooting." 21 April 1934, Page 13, "What every SA man must know about aviation." 19 May, 1934, Page 13, "Chemical Warfare." 2 June 1934, Page 14, "Modern

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Battle Methods in the View of the SA Man." 4 August 1934, Page 13, "The significance of tanks and motors in modern war."

I will omit references to the remainder.

Similarly, the issues of the "SA-Mann" contain many photographs and articles demonstrating and portraying SA participation in military exercise, including forced marching, battle maneuvers, obstacle runs, small caliber firing, and so on. I simply refer these to your Honors, and they are shown on Pages 11 to 13 of 3050. Just one or two titles:

24 August 1935, Page 2, "The SA is and remains the Shock Troop of the Third Reich." Here is one showing the connection with the Wehrmacht: 2 September, 1938, Page 1, "SA and the Wehrmacht", with pictures of SA men on field maneuvers throwing hand grenades.

I will omit the rest of these.

Convincing evidence demonstrating the participation of the SA in the conspiracy is found in the fact that care was taken at all times to coordinate the military training program of the SA with the requirements of the Wehrmacht. This is shown by Document 2821-PS, US Exhibit 431, Page 1 of the English translation, quoting:

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"Permanent liaison between the Reich Defense Ministry and theSupreme Commander of the SA have been assured."

Another document, 3215, which is an excerpt from "Das Archiv", sets forth the cooperation and collaboration with the Wehrmacht, and specialized military training, and it was stated in a speech of the Chief of Staff of the SA, Document 3215, Page 2 of the English translation, US Exhibit 426.

"In the course of this development also special missions for military betterment were placed on the SA. The Fuehrer gave the SA the cavalry and motor training and called SA Obergruppenfuehrer Litzmann as Reich Inspector with the mission to secure the cavalry recruits and requirements for the German Wehrmacht through the SA. In close cooperation with parts of the Wehrmach special certificates were created for the communication, engineer and medical units which, like the cavalry certificate of the SA, are valued as statement of preference for employment in said units."

Your Honors, we have two or three other quotations about cooperation with the Wehrmacht, but I believe they would be cumulative, and I will omit them.

I also call attention to the issue -- this is again with reference to the same thing. I will pass it. I will refer only to Document 2383-PS, Exhibit 429. I will read a portion of the decree:

"In amplification of my decree of 15 February, 1935, and of the 18th of March, 1937, regarding the acquisition of the SA sports insignia and the yearly repetitive exercises, I lift the SA sports insignia to SA military insignia and make it a basis for preimposed military training. I designate the SA as the standard bearer of this training."

I skip now to Page 48 for the record.

The specialized training given SA members, in accordance with the requirements of the technical branches of the Wehrmacht, is described in Document 2168 by SA Sturmfuehrer Bayer, US Exhibit 411, and it is Page 13 of the English translation:

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"On one side the young SA man who enters the armed forces (Wehrmacht) from his branch, comes prepared with a multitude of prerequisites which facilitate and speed up training in technical respects; while on the other side those very soldiers, having served, who return out of the armed forces into the SA keep themselves, by constant practice, in a trained condition physically and mentally and impart their knowledge to their fellows.

"Thus they contribute a considerable portion to the enhancement of armed strength and armed spirit of the German people."

And then, skipping down: "The SA each year is able to furnish many thousands of young trained cavalrymen to our Wehrmacht." I will omit the rest of that.

I simply call attention now to an issue of the "SA-Mann", dated February 3, 1939, at Page 3, which contains a photograph of Chief of Staff Lutze addressing a group of his men. This photograph bears the caption, "We will be the bridge between the Party and the Wehrmacht."

The second reference shows a photograph of General Brauschitch and Chief of Staff Lutze reviewing an SA unit.

Now, I pass to Document 3214-PS, which is US Exhibit 432. There is only one page of it. Quoting:

"It was announced that conscripted SA men and Hitler Youths can fulfil their military conscription in the SA Regiment "Feldherrnhalle', whose Commander is General Field Marshall SA Obergruppenhuehrer Goering. The Regiment for the first time was employed as Regiment of the Luftwaffe in the occupation of the Sudetenland under its Fuehrer and Regimental Commander, SA Gruppenfuehrer Reimann."

THE PRESIDENT: Up to now you have brought evidence to our notice showing that the SA was voluntary. This shows it was conscription. When did it become conscription?

COLONEL STOREY: As I understand, your Honor, if you joined the SA you got our of conscription, but once you were in it they could use you as desired. In other words, the SA was a voluntary organization.

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THE PRESIDENT: That is the evidence you have given up to date.

COLONEL STOREY: Yes, sir.

THE PRESIDENT: Well, when did it become liable to conscription or a substitute for conscription?

COLONEL STOREY: May I ask Mr. Burdell to answer that question, who is been working on that?

MR. BURDELL: If your Honor please, there never was conscription in the SA. As this document shows, Document 3214, service in the Feldherrnhalle Regiment of the SA took the place of conscription. This first sentence in Document 3214, which reads, "It was announced that conscripted SA men and Hitler Youths can fulfil thier military conscription in the SA Regiment 'Feldherrnhalle'", means, as I understand it, that SA men who are conscripted, that is SA men who are drafted after they have joined the SA, may serve their conscription by remaining in the SA or by transferring to the Feldherrnhalle Regiment of the SA.

The nect paragraph of Document 3214 designates the requirements that must be fulfilled before the SA man can join this Feldherrnhalle Regiment but if he fulfils those requirements he may join that regiment, and having done so, that serves the purpose

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or serves the function of conscription in the Wehrmacht.

I hope that answers your Honor's question.

COLONEL STOREY: In view of the above we would expect the SA to have been used as a striking force in the first steps of the aggressive warfare launched by Germany and as a basis for so-called Commando Groups, and such was the case. SA units were among the first of the Nazi military machine to invade Austria in the Spring of 1938, as was proudly announced in an article appearing in the "SA-Mann", of 19 March, 1938, page 10, the article entitled "We were there first."

The SA participation in the occupation of the Sudetenland is shown by Document 3036, USA Exhibit 102, and that is an affidavit by Gottlob Berger, a former office holder in the SS, who was assigned to the Sudeten-German Free Corps. I quote paragraphs 1 and 2 of the affidavit.

"1. In the Fall of 1938 I held the rank and title of Oberfuehrer in the SS. In mid-September I was assigned as SS Liaison Officer with Konrad Henlein's Sudeten German Free Corps at their headquarters in the castle at Dondort outside Bayreuth. In this position I was responsible for all liaison between the Reichsfuehrer SS Himmler and Henlein" --your Honors will recall Henlein was the leader in the Sudetenland -- "and in particular, I was delegated to select from the Sudeten Germans those who appeared to be eligible for membership in the SS or VT (Verfueguns Truppe). In addition to myself, Liaison Officers stationed with Henlein included an Obergruppenfuehrer from the NSKK, whose name I have forgotten, the Obergruppenfuehrer Max Juettner, from the SA. In addition, Admiral Canaris, who was head of the OKW Abwehr, appeared at Dondorf nearly every two days and conferred with Henlein".

Your Honors will recall that the Abwehr was the intelligence organization.

"2. In the course of my official duties at Henlein's Headquarters I became familiar with the composition and activities of the Free Corps. Three groups were being formed under Henlein's direction: One in the Eisenstein area, Bavaria, one in the Bayreuth area; one in the Dresden area, and possibly a fourth group in Silesia. These groups were

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supposedly composed of refugees from the Sudetenland who had crossed the border into Germany, but they actually contained Germans with previous service in the SA and NSKK (Nazi Motor Corps) as well. These Germans formed the skeleton of the Free Corps. On paper the Free Corps had a strength of 40,000 men. Part of the equipment furnished to Henlein, mostly haversacks, cooking utensils and blankets, were supplied by the SA."

The adaptability of the SA to whatever purpose was required of it is demonstrated by its activities subsequent to the outbreak of the war. During the war the SA continued to carry out its military training program, but it also engaged in other functions. Its wartime activities are set out in Documents 3219, which is US Exhibit 433, and Document 3216, US Exhibit 434, which are excerpts from "Das Archiv."

I quote first, briefly, from 3219, the whole text, exclusive of the heading:

"The General of the SA, Wilhelm Schepmann, gave further orders to increase the employment of the SA in the homeland war territories, because of the requirements of total war employment. This was done in numerous business conferences with Fuehrers of the SA divisions.

"As a result of these conferences, as well as of measures already carried out earlier for the totalization of the war employment, the SA now has placed 86 percent of its main professional Fuehrer Corps at disposal at the Front even though the war missions of the SA have increased in the fields of pre-military training, the SA penetration into new territorial parts of the Reich, the air war employment, the State and national guard, etc, during wartime.

"The SA as a whole has given at present an even 70 percent of its nearly million members to the Wehrmacht."

I call attention of your Honors to the statement of the member-ship of August 26, 1944. I quote briefly from 3216, the English translation, just one sentence:

"By command of the General of the SA, the 'SA Unit General Government' was established, the command of which was taken over by Govenor General SA Obergruppenfuehrer, Lt. Gen. Dr. Frank."

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I next read over in evidence an affidavit, being Document 3232-PS, US Exhibit 435, by Walter Schellenberg:

"From the beginning of 1944 on the SA also participated in many of the functions which had previously been entrusted only to the SS, SIPO and Army, for instance, the guarding of concentration camps, the guarding of prisoner of war camps, the supervision over forced laborers in Germany and occupied areas. This cooperation of the SA was planned and arranged for by high officials in Berlin as early as the middle of 1943."

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This concludes my presentation of the principle points of evidence concerning the participation of theSA in the conspiracy, but before I conclude, I should like to present to the Tribunal a few points which establish the participation in the conspiracy by the defendant Goering in his capacity as an SA member or leader.

In 1923, Goering became commander of the entire SA. This isshown in the pamphlet, "The SA", which is already in evidence and the notation concerning Goering's command appears at page 2 of the translation, which I do not intend to quote but simply refer to.

Goering's intention to employ the SA as a terroristic force to destroy political opponents, is shown by a speech made by him on 3 March, 1933, at a Nazi demonstration in Frankfurt. It is document 1856-PS, U.S. Exhibit 437. It is an excerpt from a book entitled, "Hermann Goering, Speeches and Essays". Document 1856. I quote: Goering said:-

> "Certainly I shall use the power of the State and the police to the utmost, my dear Communists! So you won't draw any false conclusions by the struggle to the death in which my fist will grasp your necks, I shall lead with those down there. Those are the Brown Shirts."

The importance of the SA under Goering in the early stages of the Nazi movement is shown by Document No. 3259-PS, U.S. Exhibit No. 424, and it is an English translation from the same book. 3259-PS. This is a letter written to Goering by Hitler and I quote the letter:

"My dear Goering,

When in November, 1923, the Party tried for the first time to conquer the power of the State, you, as Commander of the SA, created within an extraordinarly short time, that instrument with which I could bear that struggle. Highest necessity had forced us to act, but a wise providence at that time denied that success. After receiving a grave wound, you again entered the ranks as soon as circumstances permitted as my most loyal comrade in the battle for power. You contributed essentially to creating the basis for the 30th January. Therefore, at the end

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of a year of the National Socialist Revolution, I desire to thank you wholeheartedly, my dear Party Comrade Goering, for the great values which you have for the National Socialist Revolution and consequently for theGerman people.

In cordial friandship and grateful appreciation,

Yours,

Adolf Hitler."

Although Goering did not retain command of the SA, he at all times maintained close affiliation with the organization. This is shown by the photographs of Goering participating in the activities which I have already introduced in evidence. Similarly, in 1937, Goering became the Commander of the Felderrnhalle Regiment of the SA. The Tribunal will recall, also, my reference to the participation of that regiment in the occupation of the Sudetenland.

Now, finally, the evidence considered in the foregoing section of this brief, demonstrates the participation of the SA as an organization in the conspiracy alleged in Count One. Thus, the SA was first employed by the conspirators to destory, by force and brutality, all opponents of National Socialism and to gain possession of the streets. Thereafter, upon the seizure of control by the NSDAP, the SA was used to consolidate and strengthen Nazi power and to cruelly persecute and destroy all so-called "enemies" of the state, including the Jewry and the Church. During the period from 1934 to 1939, the SA was employed for the actual preparation and training of the German people for war, and for participation in aggressive warfare.

The SA was at all times employed by the conspirators to promote and disseminate the ideology of the Nazi Movement throughout Germany, and particularly, to perform the function of disseminating anti-Jewish propaganda and creating and fostering a militaristic and warlike spirit among the people of Germany.

Thus, at all times during the course of its existence, the functions of the SA corresponded to, and were designated to promote the progression of the conspiracy through its various phases; and the conclusion, we think,

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Official transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 19 December, 1945, 1400-1700 Lord Justice Lawrence, presiding:

MAJOR FARR: May it please the Tribunal, the next organization to be dealt with is the SS. The document books in this case are lettered "Z". For convenience in handling the book because of the bulk of documents, we have divided them into two volumes. I shall in referring to a document number, refer to the volume in which that document appears.

About a week or ten days ago there appeared in a newspaper circulated in Nurnberg an account of a visit by that paper's correspondent to a camp in which SS prisoners of war were confined. The thing which particularly struck the correspondent was the one question asked by the SS prisoners. Why are we charged as war criminals? What have we done except our normal duty?

The evidence now to be presented to the Tribunal will, we expect answer that question. It will show that just as the Nazi Party was the very heart - the core - of the conspiracy, so the SS was the very essence of Naziism. For the SS was the elite group of the Party, composed of the most thorough-going adherents of the Nazi cause, pledged to blind devotion to Nazi principles, and prepared to carry them out without any question - and at any cost - a group in which every ordinary value has been so subverted that its members can ask - What is there unlawful about the things we have done?

During the past weeks the Tribunal has heard evidence of the conspirators' criminal program for aggressive war, for concentration camps, for the extermination of the Jews, for enslavement of foreign labor and illegal use of prisoners of war, for deportation and Germanization of inhabitants of conquered territories. Through all this evidence the name of the SS ran like a thread. Again and again that organization and its components were referred to. It is my purpose to show why it

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performed a responsible role in every one of these criminal activities, why it was - and, indeed, had to be - a criminal organization.

The creation and development of such an organization was, indeed, essential for the execution of the conspirators' plans. Their sweeping program and the measures they were prepared to use, and did use, could be fully accomplished neither through the machinery of the government nor of the Party. Things had to be done for which no agency of government and no political party - even the Nazi Party - would openly take full responsibility. A specialized type of apparatus was needed - an apparatus which was to some extent connected with the government and given official support - but which, at the same time, could maintain a quasi-independent status, so that all its acts could be attributed neither to the government nor to the Party as a whole. The SS was that apparatus.

Like the SA, it was one of the seven components or formations of the Nazi party, referred to in the Decree on the Enforcement of the Law for Securing the Unit of Party and State of 29 March 1935, published in the Reichsgesetzblatt for that year, Part I, page 503. That decree will be found in our Document 1725-PS. I shall not read it. I assume that the Court will take judicial notice of it. The status of the SS, however, was above that of the other formations. As the plans of the conspirators progressed, it acquired new functions, new responsibilities, and an increasingly more important place in the regime. It developed during the course of the conspiracy into a highly complex machine, the most powerful in the Nazi State, spreading its tentacles into every field of Nazi activity.

The evidence which I shall present will be directed, first, towards showing very briefly the origin and early development of the SS; second, how it was organized - that is, its structure and its component parts; third, the basic principles governing the selection of its members and the obligations they undertook; and finally, its aims and the means used to accomplish them - the manner in which it carried out the purposes of the conspirators, and thus is a responsible participant in the crimes alleged in the Indictment.

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The history, organization and publicly announced functions of the SS are not controversial matters. They are not matters to be learned only from secret files and captured documents. They were recounted in many publications, circulated widely throughout Germany and the world - official books of the Nazi Party itself, and books, pamphletsand speeches by SS and State officials published with SS and Party approval. Throughout the presentation of the case I shall frequently refer to five or six such publications, translations of which - in whole - or in part - appear in the document books. Although I shall quote portions of them, I shall not attempt to read them all in full, since I assume that the contents of such authoritative publications may be judicially noticed by the Tribunal.

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Now to take up the origin of the SS. The first aim of the conspirators - as the evidence already presented to the court has shown - was to gain a foothold in politically hostile territory, to acquire mastery of the streets and to combat any and all opponents with force. For that purpose they needed their own private, personal police organization. Evidence has just been introduced in the case against the SA - showing how that organization was created to fill such a role. But the SA was outlawed in 1923. When Nazi Party activity was again resumed in 1925, the SA remained outlawed. To fill its place and to play the part of Hitler's own personal police, small mobile groups known as protective squadrons - Schutzstaffel - were created. This was the origin of the SS in 1925. With the reinstatement of the SA in 1926, the SS for the next few years ceased to play a major role. But it continued to exist as an organization within the SA - under its own leader, however - the Reichsfuehrer SS. This early history of the SS is related in two of the authoritative publications to which I have referred: The first is a book by SS Standartenfuehrer Gunter d'Alquen, entitled "The SS". This book - a pamphlet of some 30 pages - is an authoritative account of the history, mission and organization of the SS, published in 1939. As indicated on its frontispiece, it was written at the direction of the Reichsfuehrer SS, Heinrich Himmler. Its author, SS Standartenfuehrer Gunter d'Alquen, was the editor of the official SS publication "Das Schwarze Korps". This book is our Document No. 2284-PS. I offer it in evidence as U.S. Exhibit No. 438. The passage to which I refer will be found on pages 6 and 7 of the original, and on page 1 of the translation.

I shall not now read that passage.

The second publication is an article by Himmler, entitled "Organization and Obligations of the SS and the Police." It was published in 1937 in a booklet containing a series of [illegible]es or essays by important officials of the Party and the State - known as "National Political Course for the Armed Forces from 15 to 23 January 1937." The article by Himmler, to which I refer, appears on pages 137-161 of that pamphlet. Large extracts from it make up our Document No. 1992-A-PS. I offer the essay by Himmler as U.S. Exhibit No. 439. The passage to which I have referred appears on page 137 of the original and page 1 of the translation, our Document 1992a-PS. I shal

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have occasion to quote from both these publications, but with respect to this matter of history, I assume that these references to the pertinent passages in them are enough.

As early as 1929 the conspirators recognized that their plans required an organization in which the main principles of the Nazi system, specifically the racial principles, would not only be jealously guarded but would be carried to such extremes as to inspire or intimidate the rest of the population - an organization in which, also, there would be assured complete freedom on the part of the leaders and blind obedience on the part of the members. The SS was built up to meet this need. I quote from d'Alquen's book, Die SS, at page 7 - this passage appears in our Document No. 2284-PS at page 4 of the translation, paragraph 4:

"On the 16th of January, 1929, Adolf Hitler appointed his tested comrade of long standing, Heinrich Himmler, as Reichsfuehrer SS. Heinrich Himmler assumed charge therewith of the entire Schutzstaffel totalling at the time 280 men, with the express and particular commission of the Fuehrer to form this organization an elite troop of the Party, a troop dependable in every circumstance. With this day the real history of the SS begins as it stands before us today in all its deeper essential features, firmly anchored into the National Socialist movement. For the SS and its Reichsfuehrer, Heinrich Himmler, its first SS men, have become inseparable in the course of these battle-filled years."

Carrying out Hitler's directive, Himmler proceeded to build up out of this small force of men an elite organization - to use d'Alquen's words: "composed of the best physically, the most dependable, and the most faithful men in the Nazi movement." I read another passage from d'Alquen at page 12 of the original, page 6 of the translation, paragraph 5:

"When the day of seizure of power had finally come, there were 52,000 SS men, who in this spirit bore the revolution in the van, marched into the new State which they began to help form everywhere, in their stations and positions, in profession and in science, and in all their essential tasks."

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The conspirators now had the machinery of government in their hands. The initial function of the SS - that of acting as their private army and personal police force - was thus completed. But its mission was in fact really just begun. That mission is described in the Organization Book of the NSDAP for 1943. The pages from that book dealing with the SS - pages 417 to 428 - are translated in our Document No. 2640-PS. The organization's book has already been offered in evidence as USA Exhibit 303. The passage to which I refer appears on page 417 of the original, and on page1, paragraph 2 of the translation, our Document 2640-PS:

"Missions

"The most original and most eminent duty of the SS is to serve as the protectors of the Fuehrer.

By decree of the Fuehrer the sphere of duties has been enlarged to include the internal security of the Reich."

This new mission - protecting the internal security of the regime - was somewhat more colorfully defined by Himmler in his pamphlet "The SS as an Antibolshevist Fighting Organization", published in 1936. It is our document No. 1851-PS. I offer this document in evidence as U.S. Exhibit No. 440. The definition to which I refer appears in the original at the bottom of page 29 of the original, on the third page of the translation, middle of the paragraph:

"We shall unremittingly fulfill our task, the guaranty of the security of Germany from the interior, just as the Wermacht guarantees the safety of the honor, the greatness, and the peace of the Reich from the exterior. We shall take care that never again in Germany, the heart of Europe, will the Jewish-Bolshevistic revolution of sub-humans be able to be kindled either from within or through emissaries from

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without. Without pity we shall be a merciless sword of justice for all those forces whose existence and activity, we know on the day of the slightest attempt, may it be today, may it be in decades or may it be in centuries."

This conception necessarily required an extension of the functions of the SS into many fields. It involved, of course, the performance of police functions. But it involved more. It required participation in the suppression and extermination of all internal opponents of the regime. It meant participation in extending the regime beyond the borders of Germany, and, therefore, came to mean eventually participation in every type of activity designed to secure a hold over those territories and populations which, through military conquest, had come under German domination.

The expansion of SS duties and activities resulted in the creation of several branches and numerous departments and the eventual development of a highly complex machinery. Those various branches and departments cannot be adequately described out of the context of their history. That description I hope will emerge fully as evidence of the activities of the SS is presented. But it may be appropriate to anticipate, and at this point to say a word about the structure of the SS.

For this purpose, a glance at a chart depicting the organization of the SS as it appeared in 1945 may be helpful. There is being handed to the Tribunal small copies of this chart, two in English, one in French and one in Russian. In addition, there is handed up eight larger copies of the chart in the original German, bearing on it the photostat of the affidavit of Gottlieb Berger, formerly Chief of the SS Main Office, who examined the chart, and stated that it correctly represented the organization of the SS.

I now offer in evidence the chart of the Supreme and Regional Command of the SS, as U.S. Exhibit No.445.

At the very top of the chart is Himmler, the Reichsfuehrer SS - who commanded the entire organization. Immediately below- running across the

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chart and down the right hand side, embraced within the heavy line - are the twelve main departments constituting the Supreme Command of the SS. Some of these departments have been broken down into the several offices of which they were composed - as indicated by the boxes beneath them. Other departments have not been so broken down. It is not intended to indicate that there were not subdivisions of these latter departments as well. The breakdown is shown only in those cases where the constituent offices of some department may have a particular significance in this case.

These departments and their functions are described in two official Nazi publications: the first is the Organizations Book of the NSDAP for 1943 (our Document No. 2640-PS) already introduced in evidence as U.S. Exhibit No. 323. The description, which I shall not now read, appears on pages 419-427 of the original and pages 2 to 4 of the translation. The second is an SS manual, which bears the title: "The Soldier Friend - Pocket Diary for the German Armed Forces - Edition D: Waffen SS." It was prepared at the direction of the Reichsfuehrer SS, and issued by the SS Main Office for the year ending 1942. It is our Document No. 2825-PS. I offer it in evidence as U.S. Exhibit No.441. The description to which I refer appears on pages 20 to 22 of the original, and pages 1 and 2 of the translation. I will later have occasion to read the description of the functions of some of the departments in full. But I assume that the court will take judicial notice of the entire passages to which I have referred. In addition, the departments are listed in a directory of the SS, published by one of the Main Departments of the SS. This document was found in the files of the Personal Staff of the Reichsfuehrer SS, the first department from the left of the chart. It is entitled "Directory for the Schutzstaffel of the NSDAP, 1 November 1944". It is marked "Restricted" and bears the notation "Published by SS Fuehrungshauptamt, Kommandant of the General SS", which is the 5th box from the left. It is our document 2679-PS. I offer it in evidence as U.S. Exhibit No.442. It is simply a list of the names of the departments and offices with their addresses and telephone numbers, and corroborates the statements in the two earlier publications to which I referred.

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Returning now to the chart - following down the central spine from the Reichsfuehrer SS to the regional level, we come to the Higher SS and Police Leader, commonly known as HSSPF, the supreme SS commander in each region. I shall refer to his functions at a later point. Immediately below him is the breakdown of the organization of the Allgeneine or General SS. To the left are indicated two other branches of the SS - the Death Head Units (Totenkopf Verbaende) and the Waffen SS. To the right, under the HSSPF, is the SD. All of these components, together with the SS Police Regiments, are specifically named in the Indictment - Appendix B, page 36 - as being included in the SS.

Now a word as to these components. Up to 1933, there were no such specially designated branches. The SS was a single group - a group of "volunteer political soldiers." It was out of this original nucleus that the new units developed.

The Allgemeine - that is, General - SS was the common basis - the main stem out of which the various branches grew. It was composed of all members of the SS who did not belong to any of the special branches.

It was the backbone of the entire organization. The personnel and officers of the Main Departments of the SS Supreme Command were members of this branch. Except for high ranking officers and those in staff capacities in the Main Offices of the SS Supreme Command, its members were part-time volunteers. As the evidence will show, its members were utilized in about every phase of SS activity; They were called upon in the anti-Jewish pogroms of 1938; they took over the task of guarding concentration camps during the war; they participated in the colonization and resettlement program. In short, the term "SS" normally meant the General SS.

It was organized on military lines as will be seen from the chart, ranging from district (Oberabschnitt) and sub-district (Abschnitt) down through the regiment, battalion, company, to the platoon. Until after the beginning of the war it constituted numerically the largest branch of the SS. In 1939 d'Alquen, the official SS spokesman, said, and I quote from his book, our Document No.2284-PS, page 9, paragraph 3, of the English translation, and page 18 of the original document:

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"The strength of the General SS, 2 0,000 men, is sub-divided today into 14 corps, 38 divisions, 140 infantry regiments, 19 mounted regiments, 14 communication battalions and 19 engineer battalions as well as motorized and medical units. This General SS stand fully and wholly on call as in the fighting years."

Similar reference to the military organization of the General SS will be found in Himmler's speech "Organization and Obligations of the SS and the Police", our Document No. 1992A-PS, at page 4 of the translation, and in the Organizations Book of the NSDAP for 1943, our Document No. 2460-PS, at pages 4 and 5 of the translation.

Members of this Branch, however, with the exception of certain staff personnel - were subject to compulsory military service. As the result of the draft of members of the General SS of military age into the Army, the numerical strength of presently active members considerably declined during the war. Older SS men and those working in or holding high positio in the Main Departments of the Supreme Command of the SS remained. Its entire strength during the war was probably not in excess of 40,000 men.

The second component to be mentioned is the Security Service of the Reichsfuehrer SS - almost always referred to as the S.D. Himmler described it in his speech, "Organization and Obligations of the SS and the Police" - our Document No. 1992A-PS. I quote a passage from page 3, last paragraph, of the translation, paragraph , page 151, of the original, paragraph 3:

" Now come to the Security Service (SD), it is the great ideological intelligence service of the Party, and, in the long run, also that of the State. During the time of struggle for power it was only the intelligence service of the SS. At that time we had, for quite natural reasons, an intelligence service with the regiments, battalions and companies." -- "I interpolate he refers there to the regiments, battalions and companies of the General SS" -- We had to know what was going on on the opponents side, whether the

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Communists intended to hold a meeting today or not, whether our people were to be suddenly attacked or not, and similar things. I separated this service already in 1931 from the troops".- "I note that it appears in the mimeographed translation as 1941, but as will appear from a passage on the next pages of the translation, it was 1931 to which he was referring." -- from the units of the General SS, because I considered it to be wrong. For one thing, the secrecy is endangered, then the individual men, or even the companies, are too likely to discuss everyday problems."

Although, as Himmler put it, the SD was only the intelligence service of the SS during the years preceding the accession of the Nazis to power, it became a much more important organization promply thereafter. It had been developed into such a powerful scientific espionage system under its chief, Reinhard Heydrich, that on 9 June 1934, just a few weeks before the bloody purge of the SA, it was made, by decree of the defendant Hess, the sole intelligence and counter-intelligence agency of the entire Nazi Party. I refer in support of that statement to d'Alguen's book, Die SS, our Document No. 2284-PS, at Page 11 of the translation. I shall not pause to quote that passage. The organization and numbers of the SD, as they stood in 1937, were thus described by Himmler - I quote again from his article Organization and Obligations of the SS and the Police, our Document No. 1992A-PS at page 9 of the translation, second paragraph, page 151 of the original, paragraph 4:

" The Security Service was already separated from the troop in 1931 and separately organized. Its higher headquarters, coincide today with the Oberabschnitte and Abschnitte. I refer to the Abschnitte and Oberabschnitte indicated on the chart - and it has also field offices, its own organization of officials and a great many Command Posts, approximately three to four thousand men strong, at least when it is built up."

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Up to 1939, its headquarters was the SS Main Security Office (Sicherheitshauptamt), which - as I shall shortly show - became amalgamated in 1939 in the Reich Main Security Office - RSHA - one of the SS main departments shown on the chart before you - the 6th box from the left.

The closer and closer collaboration of the SD with the Gestapo and criminal police - which eventually resulted in the creation of this RSHA - and the activities in which the SD engaged in partnership with the Gestapo, will be taken up in the presentation of the case against the Gestapo. The SD was, of course, at all times an integral and important component of the SS. But it is more practicable to deal with it, in connection with the activities of the whole repressive police system with which it functioned.

The third component to be mentioned is the Waffen SS - the combat arm of the SS - created, trained and finally unilized for purposes of aggressive war. The reason underlying the creation of this combat branch was described in our Document 2640-PS, the Organization Book of the Nazi Party for 1943. It appears on page 427A of the original; page 5, paragraph 7 of the translation:

> "The Armed SS originated out of the thought: to create for the Fuehrer a selected long service troop for the fulfilment of special missions. It should make possible for members of the General SS, as well as for volunteers who fulfil the special requirements of the SS, to fight in the battle for the evolution of the National Socialist idea, with weapon in his hand, in unified groups, partly within the framework of the Army."

The term "Waffen SS" did not come into use until after the beginning of the war. Up to that time there were two branches of the SS composed of fulltime, professional, well-trained soldiers -- the so called SS Verfuegungstruppe - translatable perhaps as SS Emergency Troops - and the SS Totenkopf Verbaende - The Death Head Units. After the beginning of the was, the units of ths SS Verfuegungstruppe were brought up to division

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strength, and new divisions were added to them. Parts of the SS Death Head Units were formed into a division - the SS Totenkopf Division. All these divisions then came to be known collectively as the "Waffen SS".

Let me now trace that development. I quote again from the Organization Book of the Nazi Party for 1943, out Document No. 2640-PS, page 427b of the original, page 5, last paragraph of the translation:

"The origin of the Waffen SS goes back to the decree of 17 March 1933, establishing the "Stabswache" with the original strength of 120 men. Out of this small group developed the later-called SS Verfeugungstruppe (SS Emergency Force), relatively the Leibstandarte SS Adolf Hitler. In the course of the war, these groups grew into divisions.

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THE PRESIDENT: Major Farr, is it necessary to go into this degree of detail about the organization of the SS?

MAJOR FARR: Sir, it seemed to me that it is highly important to know exactly what the organization with which we are dealing is. There has been, I understand, suggestion made to the Court that certain portions of this organization are not criminal. It is contended by some that the part they played was a perfectly innocuous one, and it seems to me that before we can determine whether the organization as a whole is criminal, whether any portion of it is severable, then we must know what the organization is.

THE PRESIDENT: Wouldn't it be possible to leave that question to evidence in rebuttal, if the defendants are setting up that any particular branch of the SS is not criminal?

MAJOR FARR: If we adequately lay the basis for our case now, it may not be necessary for us to make any rebuttal. We may satisfy the defendants that there is nothing to the contention that any portion of the SS is a lawful portion. The point I am particularly trying to make now is: There has been a good deal of contention that the Waffen SS is severable; that whatever may be said, for example, about the SD or the Death Head Unit, the Waffen SS is something different. The Waffen SS is part of the Army. I think it is important to establish at the outset that the Waffen SS is as much a part of the SS, as integral a part of the whole organization, as any of the other branches. I propose, therefore, to show the development of the Waffen SS, growing out of the SS Emergency Troop, and to call to the attention of the Tribunal evidence showing how the Waffen SS is an integral part of the SS as a whole.

THE PRESIDENT: Well, you must take your own course then.

MAJOR FARR: (Continuing) The SS Verfuegungstruppe were described in a top secret Hitler order, dated the 17th of August, 1938. It is our Document No. 647-PS. I offer it in evidence as U. S. Exhibit 443. That document will be found in Volume I of the Document Book. I quote from Section II of that order, which appears on page 2 of the translation, at the top of the page, and also on page 2 of the original.

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"II. The Armed Units of the SS.

"A. (The SS Verfuegungstruppe)
1. The SS Verfuegungstruppe is neither a part of the Wehrmacht nor a part of the Police. It is a standing armed unit exclusively at my disposal. As such and as a unit of the NSDAP its members are to be selected by the Reichsfuehrer SS according to the philosophical and political standards which I have ordered for the NSDAP and for the Schutzstaffe. 1. Its members are to be trained and its ranks filled with volunteers from those who are subject to serve in the army who have finished their duties in the obligatory labor service. The service period for volunteers is 4 years. It may be prolonged for SS Unterfuehrer. Such regulations are in force for SS leaders. The regular compulsory military service (par 8 of the law relating to military service) is fulfilled by service of the same amount of time in the SS Verfuegungstruppe."

I want to quote a further short passage from that decree which will be found on page 3 of the translation in the middle of the page and on page 4 of the original order:

"III. Orders for the Case of Mobilization.

"A. The employment of the SS Verfuegunstruppe in case of mobilization is a double one.

1. By the Supreme Commander of the Army within the wartime army. In that case it comes completely under military laws and regulations, but remains a unit of the NSDAP politically.

2. In case of necessity in the interior according to my orders, in that case it is under the Reichsfuehrer SS and chief of the German Police.

"In case of mobilization I myself will make the decision about the time, strength and manner of the incorporation of the SS Verfuegungstruppe into the war-time army, these things will depend on the inner-political situation at that time."

Immediately after the issuance of this decree, and the Court will recall it was issued in August of 1938, this militarized force was employed with the Army for aggressive purposes - the taking over of the Sudetenland. Following this action, feverish preparations to motorize the force and to organize new units such as anti-tank, machine gun and reconnaissance battalions were undertaken pursuant to further directives of the Fuehrer. By September 1939, the forces were fully motorized, its units had been increased to division strength and it was prepared for combat. These steps are described in the National Socialist Yearbook for the years 1940 and 1941. I offer in evidence pages 365 to 371 of the 1940

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Yearbook. It is our Document No. 2164-PS. It bears U. S. Exhibit No. 255. I offer pages 191 to 193 of the 1941 Yearbook - which is our Document No. 2163-PS - as US Exhibit No. 444. Since the Yearbook is an official publication of the Nazi Party, edited by Reichs leiter Robert Ley and published by the Nazi Party publishing company, I assume that the Court will take judicial notice of the contents of these exhibits.

After the launching of the Polish invasion and as the war progressed, still further divisions were added. The Organization Book of the Nazi Party for 1943 - our Document No. 2640-PS - lists some eight divisions and two infantry brigades as existing at the end of 1942. I refer to page 427b of the original, page 5, last paragraph of the translation. This was no longer an emergency force. It was an SS army and hence became to be designated as the Waffen SS. Himmler referred to this spectacular development of this SS combat branch in his speech at Posen on 4 October 1943 to SS Gruppenfuehrers. That speech has already been introduced in evidence at an earlier stage in the case, as U. S. Exhibit 170. It is our Document No. 1919-PS.

I shall quote from that speech, page 51 of the original, page 2 of the translation, second paragraph, headed "The SS in War-Time." I quote:

"Now I come to our own development, to that of the SS in the past months. Looking back on the whole war, this development was fantastic. It took place at an absolutely terrific speed. Let us look back a little to 1939. At that time we were a few regiments, guard units, 8 to 9,000 strong -- that is, not even a division, all in all 25 to 28,000 men at the outside. True, we were armed, but really only got our artillery regiment as our heavy arm two months before the war began."

I continue, quoting from the same speech a passage found on page 8 of the English translation and on page 103 of the original. The passage in the translation appears at about the middle of the page.

"In the hard battles of this year, the Waffen-SS has been welded together in the bitterest hours from the most varied divisions and sections, and from these it formed: body-guard units (Leibstandarte), military SS (Verfuengungstruppe), Death's Head Units, and then the Germanic SS.

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Although tactically under the Command of the Wehrmacht while in the field, it remained as much a part of the SS as any other branch of the organization. Throughout the war it was recruited, trained, administered and supplied by the main offices of the SS Supreme Command. Ideologically and racially, its members were selected in conformity with SS standards.

I shall read a passage relating to the recruiting standards of the

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Waffen SS published in the SS Manual, "The Soldier Friend", our Document No. 2825-PS, which appears on page 7 of the English translation, first paragraph on page 36, paragraph 2of the original. I quote:

"Today at last is the longed for day of the entrance examinations where the examiners and physicians decide whether or not the candidate is ideologically and physically qualified to do service in the Armed Forces SS.

"Everyone has acquainted himself with the comprehensive Manual for the Waffen SS, the principal points are as follows:

"1. Service in the Armed Forces SS counts as military service. Only volunteers are accepted."

THE TRIBUNAL: (Mr. Biddle) What is the purpose of reading all this evidence? What has what you just read got to do with what you are presenting?

MAJOR FARR: Sir, I want to prove, as I said a moment ago, one thing first; that the Waffen SS is an integral, component part of the SS. I want to establish that it is completely administered and controlled by the Supreme Command of the SS. That is one thing.

The second thing I want to prove is this; that service in the Waffen SS is voluntary service, just as membership in the Allgemeine SS or Death's Head Units is voluntary service. It is true that there were some instances towards the close of the war when a few men were conscripted into the Waffen SS but that was the exception and not the rule. In quoting from the Recruiting Standards of the Waffen SS, appearing in this booklet which was published in 1942 and which indicates that at that time service in the Waffen SS was open only to volunteers, I think I am serving the purpose of proving one of the two points which I think ought to be established.

I want to read, if I may, one further paragraph from that translation. I shall read the paragraph indicating that service is voluntary. Now I want to read the third requirement, which shows that service could be had only by persons who meet the ideological and other standards of the SS as a whole.

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If the Tribunal is satisfied on the point that service in the Waffen SS is essentially voluntary and that the Waffen SS is an integral part of the SS, I do not want to impose further by reading further evidence.

THE PRESIDENT: I think the Tribunal is satisfied on both those points.

MAJOR FARR: I beg your pardon?

THE PRESIDENT: I think the Tribunal is satisfied on both those points, up to the present time.

MAJOR FARR: The Court is satisfied on both those points?

THE PRESIDENT: That it is voluntary and it is an integral part of the SS.

MAJOR FARR: If the Court is satisfied on both those points, I shall not pursue, any further, theintroduction of this particular evidence.

THE PRESIDENT: It may be, as you say, possible to show that there were some members conscripted into it at a later date, but we have not had that evidence yet.

MAJOR FARR: No, your Honor, you have not.

All I want to show is that the normal thing is that it is voluntary and that the Waffen SS is an integral part of the whole organization. If the Court is completely satisfied on that point I shall proceed no further with the description of the Waffen SS.

I shall pass on now then, to a description of the SS Totenkopf Verbaende, the Death Head Units, which are the fourth component to be mentioned.

The origin and purpose of the Totenkopf Verbaende were succintly described by d'Alquen in his book, "The SS", our Document No. 2284-PS, I shall read from page 10 of the English translation, paragraph 5, a passage that appears on page 20 of the original, paragraph 3.

THE PRESIDENT: On what page of the translation?

MAJOR FARR: That is page 10 of the translation. It will be found in the middle of page 10.

"The SS Death Head Units form one part of the garrisoned SS. They arose from volunteers of the General SS who were recruited for the guarding

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of concentration camps in 1933.

"Their mission, aside from the indoctrination of the armed political soldier, is guarding enemies of the State who are held in concentration camps.

"The SS Death Head Units obligate their members to 12 years service. It is composed mainly of men who have already fulfilled their duty to serve in the Wehrmacht. This time of service is counted completely."

Since the Death Head Units -- like the SS Verfuegungstruppe -- were composed of well-trained professional soldiers, they were also a valuable nucleus for the Waffen SS. The secret Hitler order of 17 August, 1938, Document No. 647-PS, which has already been introduced in evidence, provided for the tasks of the SS Totenkopf Verbaende in the event of mobilization. The Totenkopf Verbaende were to be relieved from the duty of guarding concentration camps and transferred as a skeleton corps to the SS Verfuegungstruppe. I quote from that order, a passage found on page 5 of the translation, paragraph 4, page 9 of the original. I quote:

"5) Regulations for the case of the Mobilization

"The SS Totenkopf Verbaende form the skeleton corps for the reinforcement of the SS Totenkopf Verbaende (police reinforcement) and will be replaced in the guarding of the concentration camps by members of the General SS who are over 45 years of age and had military training."

If I may point out to the Court, the purpose in offering that bit of evidence is to show that the foundation was laid for having the Allgemeine SS, the general SS, take over the duties of guarding concentration camps after the war. The Totenkopf Verbaende were originally created for that purpose. When the war came they went into the Waffen SS and their duties were taken over by members of the general SS.

The final component, which was specifically referred to in the Indictment, is the SS Police Regiments. I shall very shortly turn to the steps by which the SS assumed control over the entire Reich Police. Out of the police, special militarized forces were formed, originally known as SS Police Battalions and later expanded to SS Police Regiments.

I shall quote from Himmler's Posen speech, our Document No. 1919-PS,

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page 3 of the translation, next to the last paragraph, page 58 of the original. I quote:

"Now to deal briefly with the tasks of the regular uniformed police and the Sipo -- they still cover the same field. I can see that great things have been achieved. We have formed roughly 30 police regiments from police reservists and former members of the police -- police officials, as they used to be called. The average age in our police battalions is not lower than that of the security battalions of the Armed Forces. Their achievements are beyond all praise. In addition, we have formed Police Rifle Regiments by merging the police battalions of the 'savage peoples'. Thus, we did not leave these police battalions untouched but blended them in the ratio of about 1 to 3."

The results of this blend of militarized SS police and "savage peoples" will be seen in the evidence which I shall later introduce, relating to extermination actions, conducted by them in the Eastern territories -- exterminations which were so eminently successful and ruthlessly conducted that even Himmler could find no words adequate for their eulogy.

THE PRESIDENT: We will adjourn now for 10 minutes.

(Whereupon a recess was taken from 3:20 to 3:30 p.m.)

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MAJOR FARR: Each of the various components which I have described played its part in carrying out one or more functions of the SS. The personnel composing each differed. Some were part-time volunteers; others professionals enlisted for different periods of time. But every branch, every department, every member, was an integral part of the whole organization. Each performed his assigned role in the manifold tasks for which the organization had been created. No better witness to this fact could be called upon than the Reichsfuehrer SS whose every endeavor was to insure the complete unity of the organization. I quote his words, taken from his Posen speech, our document 1919-PS, US Exhibit No. 170. I read from page 104 of the original, fourth line from the top of the page, from the English translation, page 8.

"It would be an evil day if the Main Offices, performing their tasks well meaningly but mistakenly made themselves independent by each having a downward chain of command. I really think that the day of my overthrow would be the end of the SS. It must be, and so come about, that this SS organization with all its branches--the General SS which is the common basis of all of them, the Waffen-SS, the regular uniformed police, the SIPO, with the whole economic administration, schooling, ideological training, the whole question of kindred, is, even under the tenth Reichsfuehrer-SS, one bloc, one body, one organization."

And continuing, at the bottom, about 11 lines from the bottom of the same page of the translation, and at the bottom of page 104 of the original speech, he says, "The regular uniformed police and SIPO"--I beg the Tribunal's pardon. I think I referred you to the wrong passage. It is about the middle of page 8 of the translation, beginning:

"The regular uniformed police and SIPO, General-SS and Waffen-SS must now gradually amalgamate too, just as this is and must be the case within the Waffen-SS. This applies to matters concerning filling of posts, recruiting, schooling, economic organization, and medical services. I am always doing something towards this end, a bond is constantly being cast around these sections of the whole to cause them to grow together. Alas, if these bonds should ever be loosened - then everything - you may

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be sure of this - would sink back into its old insignificance in one generation, and in a short space of time."

I now turn to the underlying philosophy of the SS, the principles by which its members were selected and the obligations imposed upon them. To understand this organization the theories upon which it was based must be kept clearly in mind. They furnish the key to all its activities. It is necessary, therefore, to consider them in some detail.

The fundamental principle of selection was what Himmler called that of Blood and Elite. The SS was to be the living embodiment of the Nazi doctrine of the superiority of Nordic blood - the carrying into effect of the Nazi conception of a master race. To put it in Himmler's own words the SS was to be a "National Socialistic Soldierly Order of Nordic Men." In describing to the Wehrmacht the reasons behind his emphasis on racial standards of selection and the manner in which they were carried out he said - and I quote from our document 1992-A-PS, page 1 of the translation, last paragraph, page 138, paragraph 1 of the original:

"Accordingly, only good blood, blood which history has proved to be leading and creative and the foundation of every State and of all military activities, only Nordic blood, can be considered. I said to myself that, should I succeed in selecting from the German people for this organization as many people as possible a majority of whom possess this desired blood, in teaching them military discipline and, in time, the understanding of the value of blood and the entire ideology which results from it, then it will be possible actually to create such an elite organization which would successfully hold its own in all cases of emergency."

Further on, on page 5 of the translation--I beg your pardon, on page 4 of the translation, first line, page 140 of the original, bottom paragraph, he says, referring to the method by which applicants were selected:

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"They are extremely thoroughly examined and checked. Of 100 men we can use on the average of 10 or 15, no more. We ask for the political reputation record of his parents, brothers and sisters, the record of his ancestry as far back as 1750, and naturally the physical examination and his records of the Hitler Youth. Further, we ask for a record of hereditary health showing that no hereditary disease exists in his parents and in his family."

THE PRESIDENT (interposing): I don't seem to get the point of this. We have already been told that the SS was a Corps d'Elite, and all this is showing the details of the choice.

MAJOR FARR: That is correct; it is showing the details of the choice.

THE PRESIDENT: But that has nothing to do with its being a criminal organization, has it?

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MAJOR FARR: I think it has, Your Honor. I want to make again, if I may, two points. The very essence of this organization was that of race. Its racial standards of selection had two things in mind: One, making it an organization which would be an aristocracy not only for Germany, but which would be in a position to dominate all of Europe. For that purpose, not only were strict racial standards imposed for selection, but a great drive was made to perpetuate the SS stock, to build up a group of men who would be in a position to take over Europe when it was conquered.

There was nothing questionable about that aim. Himmler explicitly said it time and time again, "What we are after is making ourselves the superstratum which will be able to dominate Europe for centuries." That was one of the fundamental purposes of the SS, and it was a purpose which was not kept by Himmler to himself, but a purpose which was explained and publicly announced again and again.

THE PRESIDENT: You haven't yet shown us where it was announced, have you?

MAJOR FARR: I have not, sir, and I am coming to that very shortly, but I wanted first to show Your Honor what the racial basis of selection was. That is one aspect of the racial selective process.

The second is this: The negative side of the racism. Not only did Himmler intend to build up an elite which would be able to take over Europe, but he indoctrinated that elite with hatred for all "inferior" -- to use his words -- races.

Now, I think unless it is clearly understood that that is the basis of the SS, we can't understand the organization. I am quite prepared, if the Tribunal desires, not to go further into a discussion of the detail of the process of selection. I do think it important that I quote to the Tribunal the publicly announced basis for selection.

With the Tribunal's permission then, I would like to quote one passage from the Organization Book for the Nazi Party, which explains the racial basis on which the SS was founded. That is our Document 2640-PS, which has already been introduced in evidence as U. S. Exhibit 323. I quote from page 417 of the German text and from page 1 of the translation, fourth paragraph, entitled "Selection of Members." And I quote this because this

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is not a hidden pronouncement. This is what the official Nazi Party publication said the SS was:

"Selection of Members.

"For the fulfillment of these missions a homogenous firmly welded fighting force has been created bound by ideological oaths, whose fighters are selected out of the best Aryan humanity.

"The conception of the value of the blood and soil serves as directive for the selection into the SS. Every SS man must be deeply imbued with the sense and essence of the National Socialist Movement. He will be ideologically and physically trained so that he can be employed individually or in groups in the decisive battle for the National Socialist ideology.

"Only the best and thoroughbred Germans are suited for commitment in this battle. Therefore it is necessary that an uninterrupted selection is retained within the ranks of the SS, first superficially, then constantly more thoroughly."

Now, I would like to proceed to quote a paragraph on the same page, three paragraphs down, with respect to obedience. It appears on page 418 of the original, second paragraph. I quote:

"Obedience is unconditionally demanded; arises from the conviction that the National Socialist ideology must rule. He who possesses it and passionately supports it, submits himself voluntarily to the compulsion of obedience. Therefore, the SS man is prepared to carry out blindly every order which comes from the Fuehrer or is given by one of his superiors even if it demands the greatest sacrifice of him."

There are stated the two fundamental principles of the SS: (1) Racial selection; (2) Blind obedience.

Now, let me state what Himmler conceived that this organization was to be used for. I quote from his address to the officers of the SS Leibstandarte "Adolph Hitler" on the "Day of Metz", our document No. 1918-PS, U.S. Exhibit 304. I quote from page 12 of the original document, the middle of thepage; from the translation, page 3, last paragraph. I will begin the translation with the third sentence of that paragraph.

"The ultimate aim for these 11 years during which I have been the

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Reichsfuehrer SS has been invariably the same: To create an order of good blood which is able to serve Germany. Which unfailingly and without sparing itself can be made use of because the greatest losses can do no harm to the vitality of this order, the vitality of these men, because they will always be replaced. To create an order which will spread the idea of nordic blood so far that we will attract all nordic blood in the world, take away the blood from our adversaries, absorb it so that never again, looking at it from the viewpoint of grand policy, nordic blood in great quantities and to an extent worth mentioning will fight against us. We

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must get it and the others cannot have it. We never gave up the ideas and the aim conceived so many years ago. Everything we did has taken us some distance further on the way. Everything we are going to do will lead us further on the way."

Now, one further quotation from that same document, which shows very explicitly why there was the building up of this order of nordic blood appears on page 3 of the translation, the same document from which I have just quoted, about the middle of the first paragraph. It appears on page 11 of the original speech, about the middle of the page. That is the speech to the officers of the SS Leibstandarte "Adolph Hitler".

"Please understand we would not be able to hold the great Germanic Reich which is about to take shape. I am convinced that we can hold it, but we had to prepare for that. If we once had not enough sons, those who will come after us will have to become cowards. A nation which has an average of four sons per family can venture a war; if two of them die, two transmit the name. The leadership of a nation having one son or two sons per family will have to be faint-hearted at any decision on account of their own experience because they will have to tell themselves; We cannot afford it. Look at France, which is the best example. France had to accept from us a dictate."

Domination of Europe through a Nazi Elite required more, however, than a positive side of racism --

THE TRIBUNAL (MR BIDDLE) (Interposing): Is that one of the crimes you allege, domination of Europe through an Elite?

MAJOR FARR: One of the crimes alleged is a conspiracy to dominate Europe, preparation for aggressive war, leading to the ultimate colonization of Europe for the benefit of the conspirators. One of the instruments, we submit, used for that policy, and carried out, was the SS. The conspriators began, at the very beginning, the creation of the SS, to build it up so that it would be the elite through which Germany would be able to dominate and rule the conquered territories.

We think that this conception of the SS has played a vital part in the conspiracy. It has bearing on the whole program of the conspirators. Now, certainly, in and of itself --

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THE PRESIDENT (Interposing): Yes, but, Major Farr, what you have to show is not the criminality of the people who used the weapon; the criminality of the people who composed the weapon.

MAJOR FARR: I think I have to show two things, certainly the criminality of the persons who composed the weapon, but it seems to me I must also show that that weapon played a part in the conspiracy because the indictment alleges --

THE PRESIDENT (Interposing): I should have thought you had shown that over and over again, that the SS were a part of the weapon. If there was a criminal conspiracy, then the SS were one of the weapons which were used by the conspirators. But what you have got to show in this part of the case is that the persons who formed that weapon were criminal and knew of the criminal objects of the SS.

MAJOR FARR: I quite agree I have to show that. I suppose I have to show, before showing that the persons involved knew of the criminal aims of the organization, what those criminal aims were. I was simply attempting to show the Tribunal that one of those aims which I submit is criminal was a plan to dominate Europe, and that the SS was one of the means by which that was to be done.

Now, this is just one aspect of the SS criminality. I am quite ready not to proceed any furtner with the point if the Court already has the point, and thinks that the evidence of that aspect of its criminality is sufficient. I certainly don't want to labor the point too hard.

I will proceed further with the point as to the building up of the SS as a racial elite to take over, but I do think one other thing is important, and that is the negative side of that racism, the hatred for other races, and Himmler made some very striking points along that line as to what the SS was to be to it. I quote from his Posen speech, that is, our Document 1919-PS. The passage in question appears on page 23 of the speech, the original speech, middle of the page, and will be found on page 1 of the English translation, third paragraph.

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I quote:

"One basic principle must be the absolute rule for the SS man. We must be honest, decent, loyal, and comradely to members of our own blood and to nobody else. What happens to a Russian, to a Czech, does not interest me in the slightest."

The next few sentences from that same paragraph have already been read into evidence, and I shall not repeat them. However, I do want to quote, in the same paragraph, the conclusion that Himmler draws from what he has just said. This sentence is about seven lines from the bottom of the paragraph, beginning:

"That is what I want to instill into this SS and what I believe I have instilled in them as one of the most sacred laws of the future."

Now these principles--that is, the conception of being in the elite which was to take over Europe, and the conception of hatred toward inferior races, which was instilled in the SS--these principles were principles which were publicly reiterated over and over again so that the newest recruit was thoroughly steeped in them.

I quote from Himmler's Kharkov speech, which appears in the same document 1919-PS.

MR. BIDDLE: Can't you just give us the meaning of the speech without quoting from it; can you just refer to it?

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MAJOR FARR: I will be very glad to do that, if the Court will take judicial notice of it. I will refer you to the passage I have in mind. The passage in question appears on page 14 of the translation, about 15 lines from the bottom of the page; it appears on page 17 of the original, at about the middle of the page.

In that passage, after having talked at great length about the racial struggle, Himmler tells his commanding officers - and he is making this speech to the commanding officers of three divisions of the Waffen SS- he tells his officersthat the thing that he wants to thoroughly instil into every recruit in the organization, so that he becomes saturated with it, is the necessity of the SS standing firm and carrying on the racial struggle without mercy.

On the same point, one further quotation, if the Tribunal will bear with me - and I think this is important because this, again, is a public quotation, found in the Organization Book of the Party. That is our Document 2640-PS. It is a very short passage, appearing on page 418 of the original, and page 1 of the English translation, the third paragraph from the end of the page in the translation:

"He openly and unrelentingly fights the most dangerous enemies of the State: Jews, Freemasons, Jesuits, and political clergymen."

Now these were the fundamental principles of the SS, racial superiority and blind obedience. A necessary corollary of these two principles was ruthlessness. The evidence that we will introduce on these activities will show how successfully the SS learned the lesson it was taught.

The SS had to, and did, develop a reputation for terror which was carefully cultivated. Himmler himself publicly attested to it as early as 1936 in his pamphlet, "The SS as an anti-Bolshevist Fighting Organization"- our document 1851-PS, which has already been introduced into evidence as US Exhibit 440. I quote two sentences which appear at page 29 of the original pamphlet, and on page 4 of the translation, the first two sentences:

"I know that there are some people in Germany who become sick when they see these black coats. We understand the reason for this

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and do not expect that we shall be loved by too many."

The role which the SS was required to play required that it remain constantly the essence of Naziism and that its elite quality should never be diluted.

As evidence that even in 1943 the SS standards were still being maintained, I offer in evidence a letter written to the Defendant Kaltenbrunner by Himmler. This letter is our Document 2768-PS. It is a letter from the Reichsfuehrer SS, written at his field command post and bearing the date 24 April 1943. I offer it as US Exhibit 447. I quote from the first paragraph of that letter:

"Referring again to the matter which we discussed some time ago - that is, the admission of SIPO officials into the SS - I wish to clarify again: I want an admission only if the following conditions are fulfilled:

"1. If the man applies freely and voluntarily.

"2. If, by applying strict and peace-time standards, the applicant fits racially and ideologically into the SS, guarantees according to the number of his children a really healthy SS stock, and is neither ill, degenerate, nor worthless."

Then, continuing with the third paragraph:

"I beg you not only to act accordingly in the future, but especially also that numerous admissions into the ranks of the SS in the past be re-examined and revised according to these instructions."

Now I have appended this, to indicate to the Tribunal the normal manner in which a man became a member of the SS. This is discussed by Himmler in our Document 1992A-PS, at page 142 of the original and page 5 of the translation. If the Court thinks that it can take judicial notice of that passage, I shall not venture to read it. What it does is to describe how a young man comes into the SS normally, at the age of 18, serves an apprenticeship and receives his instructions in SS ideology, takes the SS oath, receives the SS dagger, and how long he remains in the general, active SS.

I will not venture to read that paragraph, since I assume that the Court will take judicial notice of it.

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I do think it may be worth quoting the very brief oath which the SS man takes. That oath is quoted in the Waffen SS recruiting pamphlet, entitled, "The SS Calls You", our Document 3429-PS, which I offer in evidence as US Exhibit 446. The oath appears at page 18 of that pamphlet, and on page 2 of the translation, in the middle of the page. I quote the oath:

"The Oath of the SS Man:

"I swear to you, Adolf Hitler, as Fuehrer and Reichschancellor, loyalty and bravery, I vow to you, and to those you have named to command me, obedience unto death, so help me God."

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I turn now to a consideration of the activities of the SS, the manner in which it carried out the purposes of the conspirators and performed its function of guarding the internal security of the Nazi regime. The proof of the elite Nazi quality and thorough reliability of the SS--the test by which it won its spurs--occurred on June 30th, 1934, when it participated in the purge of the SA and other opponents or potential opponents of the Nazi regime. That was the first real occasion for the use of this specialized organization which could operate with the blessing of the Nazi State, but outside of the law.

I offer in evidence an affidavit by the Defendant Wilhelm Frick, signed and sworn to here in Nurnberg on 19th November, 1945. It is our document 2950-PS. I offer it as US Exhibit 448. I shall quote a portion of that affidavit, beginning about the middle of the first paragraph of the affidavit, the tenth line in the original. I quote.

"Many people were killed--I don't know how many--who actually did not have anything to do with the putsch. People who just weren't liked very well, as, for instance, Schleicher, the former Reich Chancellor, were killed. Schleicher's wife was also killed, as was Gregor Strasser, who had been the Reich Organization Leader and second man in the Party after Hitler. Strasser, at the time he was murdered, was not active in political affairs any more. However, he had separated himself from the Fuehrer in November or December of 1932. The SS was used by Himmler for the execution of these orders to suppress the putsch."

It was in recognition of its services in this respect that the SS was elevated to the status of being a component of the Party equal in rank to the SA, and other similar ranking. I ask the Court to take judicial notice of a passage which appears on page 1 of the Voelkischer Beobachter of July 26th, 1934. It is our document No. 1857-PS. I shall read the translation of that passage, which

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is very brief.

"The Reich Press Office announces the following Order of the Fuehrer.

In consideration of the greatly meritorious service of the SS, especially in connection with the events of 30th June, 1934, I elevate it to the standing of an independent organization within the NSDAP.

Munich, 20th July, 1934."

"The Reichfuehrer SS like the Chief of Staff is, therefore, directly subordinate to the highest SS theory."

By its action on June 30th, the SS proved this. It was, therefore, the type of organization which the conspirators wanted for the first necessary step in their program, the acquisition of control over the police, because one of the first steps essential to the security of any regime is control of the police. The aim of the conspirators was to fuse the SS and the police, and to merge them into a single, unified repressive force.

I turn now to the consideration of the development whereby the SS and the police became intermingled. Shortly after the seizure of power the conspirators began to develop, as a part of the State machinery, secret political police forces, originating in Prussia in the Gestapo established by decree of the Defendant Goering in 1933, and this development will be dealt with

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in the case against the Gestapo. By 1934, Himmler, the Reichsfuehrer SS, had become the chief of these secret political police forces in each of the States in Germany, except Prussia and deputy chief of the Prussian Gestapo. In that capacity he infiltrated these forces with members of the SS until a virtual identity of the membership of the SS and the Gestapo were achieved.

On 17 June 1936, by Decree on the Establishment of a Chief of the German Police, published in the Reichsgesetzblatt for 1936, Part I, pages 487 and 488, our Document No. 2073-PS, I assume the Court will take judicial notice of it, the new post of Chief of the German Police was created in the Ministry of the Interior. Under the terms of the decree, Himmler was appointed to this post with the title of "Reichsfuehrer SS, and Chief of the German Police in the Ministry of the Interior."

The combination of these two positions, that of leadership of the SS, and head of all the police forces in the Reich, was no accident, but was intended to establish a permanent relation between the two bodies, and not a mere "transitory fusion of personnel." The significance of this combination of these two positions was referred to by Hitler in his secret order of 17 August 1938 on the organization and mobilization of the SS, our document No. 647-PS, which I introduce in evidence as USA Exhibit No 443, from which I now quote the preamble found on the first page of our document No. 647-PS, and at the beginning of the original order. I quote:

> "By means of the nomination of the Reichsfuehrer SS and Chief of the German Police in the Ministry of the Interior on June 17th, 1936, (Reichsgesetzblatt I, page 487), I have created the basis for the unification and reorganization of the German Police.
>
> "With this step, the Schutzstaffeln of the NSDAP, which were under the Reichsfuehrer SS and Chief of the German Police even up to now, have entered into close connection with the duties of the German Police."

Upon his appointment, Himmler immediately proceeded to reorganize the entire police force, designating two separate branches. (1) the

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regular uniformed police force (Ordnungspelizei, or Orpo) as they were called by their abbreviated title, and (2) the so-called Security Police, or as they became to be known for short under their abbreviated title of "Sipo". The Security Police were composed of all the criminal police in the Reich, and all the Gestapo. This reorganization was achieved by the Decree assigning functions in the Office of the Chief of the German Police, published in the Reichsministerialblatt for 1936, pages 946-948, our Document No. 1551-PS. Of the Decree I assume the Court will take judicial notice.

To be head of the SIPO, that is, of the criminal police and the Gestapo, Himmler appointed Reinhard Heydrich who was at that time the Chief of the SD, and the SS Intelligence agency already referred to. Thus, through Himmler's dual capacity as leader of the SS, and as Chief of the Police, and through Heydrich's dual capacity as head of the SD and Security Police, a unified personal command of the SS and Security Police Forces was achieved.

But further steps toward unification were later taken. In 1939 the Security Police and the SD were combined in a single department, The Reich Main Security Office, commonly referred to as RSHA. The important point to be observed is this: The newly created Reich Security Office, the RSHA, was not a mere department of the government. It was simultaneously an agency of the government; organizationally placed in the Department of the Interior, and at the same time one of the principal departments of the SS, organizationally placed in the Supreme Command of the SS. This division of the SS is shown by the chart before you, RSHA being indicated by the sixth block from the left on the chart, but it was not merely the Gestapo and the Criminal Police which came under the sway of the SS. The regular uniformed police as well were effected. For, like the RSHA, the department of the Regular Police, the Ordnungspolizei, was also not merely a department in the Ministry of the Interior, but also simultaneously in the Supreme Command of the SS. Its position in the SS is indicated by the seventh block on the chart, on the left.

Now this unity of command between the SS and the Police was not a

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matter of the highest headquarters. It extended down to the operating level. The Court will observe from the chart that the Higher SS and Police Leader in each region, who was directly subordinate to Himmler, had under his command both the Security Police, SIPO, and the regular uniformed police, Ordnungspolizei. Also that these forces, the SIPO and the Ordnungspolizei, were not only under the command of the Higher SS and the Police Leader, but indicated by the blue line, were also under command of the RSHA, and the Department of the Regular Police. Thus, you have organisationally a unit of command over the SS and the Police. This organization was not the only way by which the unity was achieved. Unity of personnel was also achieved. Vacancies occuring in the police forces were filled by SS members. Police officials in the forces were able to join the SS, and schools were operated by the SS for the police, as well as for the SS officials.

These measures are described in Himmler's article "Organization and Obligations of the SS and the Police", our Document No. 1992-A-PS. They are also described in an authoritative book on the Police, entitled, "The German Police," the book published in 1940, written by Dr. Werner Best, a Ministerial Director in the Ministry of the Interior, and a department head in the Security Police. It bears on its fly-leaf the impramatur of the Nazi Party, and is listed in the official list of National Socialist Party bibliography, chapter 7 from that book is our Document No. 1852-PS. I offer this book in evidence as USA Exhibit No.449.

Thnough this unity of organization, and personnel, the SS and the Police became identified in structure and in activity. The resulting situation was described in Dr. Werner Best's book, which I have just offered in evidence, our Document No. 1852-PS, as follows. I quote from page 7 of that document, paragraph 5, from the original book, page 95, paragraph 3.

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"Thus the SS and the Police form a unit, both in their structure and in their activity, although their individual organizations have not lost their true individuality and their position in the larger units of the Party and State administration, with which they are concerned from other points of view".

Through the Police, the SS was in a position to carry out the larger part of the functions assigned to it. The working partnership between the Gestapo, the Criminal Police and the SD under the direction of the Reichsfuehrer SS resulted in the ultimate in repressive and unrestrained police activity. That will be dealt with in the case against the Gestapo. In considering that evidence, the Tribunal will bear in mind that the police activities there shown were one aspect of SS functions, one part of the whole criminal SS scheme. I shall not, therefore, consider here evidence relating strictly to the police functions of the SS.

Control over the police was not enought. Potential sources of opposition could be tracked down by the SD. Suspects could be seized by the Criminal Police and the Gestapo, but these means alone would not assur the complete suppression of all opponents and potential opponents of the regime. For this purpose, the concentration camps were invented. The evidence already presented to the Tribunal has shown what the concentratic camp system involved, and the end result of that system was graphically illustrated in the moving pictures displayed about ten days ago. The responsibility of the SS in that system is a topic to which I now turn

The first requirement of the camps was for guard and administrative personnel. Part time volunteer members of the Allgemeine SS were original utilized as guards, but part time volunteers could not adequately serve t needs of the extensive, long-range program that was planned, so beginning in 1933 full-time professional guard units, the Death Head Units which I have already described, were organized. During the war, members of the General SS resumed the function of guarding the camps, which they had initially undertaken when the camps were created. The Tribunal will recal

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the provisions of the Hitler order which I read a few moments ago directing substitution of general SS members for Death Head Units in the event of mobilization. It is unnecessary to repeat the evidence of wholesale brutality, torture and murder committed by SS guards. They were not the sporadic crimes committed by irresponsible individuals, but a part of a definite and calculated policy, a policy necessarily resulting from SS philosophy, a policy which was carried out from the initial creation of th camps.

Himmler bluntly stated the SS view as to the inmates of the camps in his article, "Organization and Obligations of the SS and the Police, US Exhibit 439, our document 1992A-PS. I quote from Page 7 of the translation, last paragraph; from page 148 of the original, third paragraph.

THE PRESIDENT: Did you say 439?

MAJOR FARR: It was Exhibit 439. It is our document 1992A-PS. I quote from page 7 of the translation, last paragraph:

"It would be extremely instructive for everyone, some members of the Wehrmacht were already able to do so, to inspect such a concentration camp. Once they have seen it, they are convinced of the fact that no one had been sent there unjustly; that it is the offal of criminals and freaks No better demonstration of the laws of inheritance and race, as set forth by Doctor Guett, exists than such a concentration camp. There you can find people with Hydrocephalus, people who are cross-eyed, deformed, half-Jewish, and a number of racially inferior products. All that is assembled there. Of course, we distinguish between those inmates who are only there for a few months for the purpose of education, and those who are to stay for a very long time. On the whole, education consists of discipline, never of any kind of instruction on an ideological basis, for the prisoner have, for the most part, slave-like souls; and only very few people of real character can be found there."

The, omitting the next two sentences, he continues with this striking remark:

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"The discipline thus means order. The order begins with these people living in clean barracks. Such a thing can really only be accomplished by us Germans, hardly another nation would be as human as we are. The laundry is frequently changed. The people are taught to wash themselves twice daily, and the use of a toothbrush with which most of them have been unfamiliar."

Having heard the evidence and seen the pictures as to conditions in concentration camps, this Tribunal can appreciate how grim and savage that callous jest was. He made no such pretense in his speech to his own Gruppenfuehrers at Posen, our document 1919-PS, US Exhibit No. 170. I quote from Page 43 of the original, last paragraph; from Page 2 of the translation, the first full paragraph. That is 1919-PS.

THE PRESIDENT: 1990?

MAJOR FARR: 1919.

THE PRESIDENT: Page 2?

MAJOR FARR: Page 2 of the translation, the first full paragraph, headed, "The Communists in the Reich":

"I don't believe the Communists could attempt any action, for their leading elements, like most criminals, are in our concentration camps. And here I must say this -- that we shall be able to see after the war what a blessing it was for Germany that, in spite of all the silly talk about humanitarianism, we imprisoned all this criminal sub-stratum of the German people in concentration camps: I'll answer for that."

But he is not here to answer.

Certainly there was no "silly humanitarianism" in the manner in which the SS men performed their tasks. Just as an illustration, I should like to examine their conduct, not in 1944 or 1945, but in 1933. I have four reports, relating to the deaths of four different inmates of the concentration camp Dachau between May 16 and May 27, 1933. Each report is signed by the Public Prosecutor of the District Court in Munich and is addressed to the Public Prosecutor of the Supreme Court in Munich. These four reports

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show that during that two week period in 1933, at the time when the concentration camps had barely started, that SS men had murdered -- a different guard each time -- had murdered an inmate of the camp.

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Now, I don't want to take the time of the Tribunal to read that evidence if it feels that it is a minor point. The significance of it is this: It is just an illustration of the sort of thing that happened in the concentration camp at the earliest possible date, in 1933. I am prepared to offer those four reports in evidence and to quote from them, if the Tribunal thinks that the point is not insignificant.

THE PRESIDENT: Where are they?

MAJOR FARR: They are right here. I will offer them in evidence. The first is our document 641-PS. It is a report dated 1 June 1933, and relates to the death of Dr. Alfred Strauss, a prisoner in protective custody in Dachau. I offer it in evidence as US Exhibit 450. I shall read a few paragraphs from that report, beginning with paragraph one:

"On May 24, 1933 the 30 year old, single, attorney at law, Dr. Alfred Strauss from Munich who was in the concentration camp Dachau as a prisoner under protective custody was killed by two pistol shots from SS man Johann Kantschuster who escorted him on a walk outside the fence part of the camp prescribed to him by the camp doctor.

"Kantschuster gives the following report: He himself had to urinate; Strauss proceeded on his way. Suddenly Strauss broke away towards the schrub located at a distance of about 6 m. from the line. When he noticed it, he fired two shots at the fugitive from a distance of about 8 m. whereupon Strauss collapsed dead.

"On the same day, May 24, 1933, a judicial inspection of the locality took place. The corpse of Strauss was lying at the edge of the wood. Leather slippers were on his feet. He wore a sock on one foot, while the other foot was bare, obviously because of an injury to this foot. Subsequentl an autopsy was performed. Two bullets had entered the back of the head. Besides, the body showed several black and blue spots and also open wounds."

Skipping now to the last paragraph of the report:

"I have charged Kantschuster today with murder and have made application for opening and execution of the judicial preliminary investigation as well as for a warrant of arrest against him."

That is the first of the four reports. The significance is that you have

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one after the other, committed within a short space of time, and in each instance an official report by the camp commander or the guard as to the cause of death, which was completely disproved by the facts.

The second report, a report dated 1 June 1933, relates to the death of Leonhard Hausmann, another prisoner in Dachau. It is our Document 6428-F and I offer it in evidence as U.S. Exhibit No. 451.

THE PRESIDENT: I don't think you need read the details.

MAJOR FARR: I will offer it without reading it.

The third report which I shall offer is dated 22 May 1933. It relates to the death of Louis Schloss, an inmate of Dachau and is our Document 644-PS. I offer it in evidence as USA Exhibit 452.

The fourth document, our No. 645-PS, dated 1 June 1933, relates to the death of Sebastian Nefzger, another Dachau prisoner. I offer this letter in evidence as U.S. Exhibit No. 453.

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These four murders, committed within the short space of two weeks in the Spring of 1933, each by different SS guards, are but a few examples of SS activities in the camps even as early as 1933. Many similar examples from that period and later periods could be produced.

Indeed, that sort of thing was officially encouraged. I call the Tribunal's attention to the Disciplinary Regulations for the Dachau Concentration Camp, our Document 778-PS, which has already been introduced in evidence as U.S.A. Exhibit 247. I want to read the fourth paragraph of the introduction to those rules, a passage which was not read when the document was originally introduced. The fourth paragraph on the first page of the translation of the original is as follows:

"Tolerance means weakness. In the light of this conception, punishment will be mercilessly handed out whenever the interests of the Fatherland warrant it. The fellow countryman who is decent but misled will never be affected by these regulations. But let it be a warning to the agitating politicians and intellectual provocators -- regardless of which kind - be on your guard not to be caught, for otherwise it will be your neck and you will be shut up according to your own methods."

Those regulations were issued in 1933 by SS Fuehrer Eich, who, it is to be noted, was the commandant of the SS Totenkopfverbaende.

Furnishing guard and administrative personnel was not the only function of the SS with relation to the camps. The entire internal management of the camps, including the use of prisoners, their housing, clothing, sanitary conditions, the determination of their right to live and the disposal of their remains, was controlled by the SS. Such management was first vested in the leader of the SS Death Head Units who also had the title of Inspector of the Concentration Camps. This official was originally a part of the SS Main Office (SS Hauptamt) - represented on the chart by the second box from the left.

During the course of the war - in March 1942 - control of concentration camps was transferred to another of the departments of the SS Supreme Command - the SS Economic and Administration Department - commonly known as WVHA. That department is indicated on the chart by the 3rd box from

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the left. And the Court will note under the top box the breakdown "Concentration Camps" which in turn is broken down into "Prison, Labor, Medical and Administration."

That change was announced in a letter to Himmler dated 30 April 1942 from the Chief of WVHA. The letter is our Document No. R-129 and has already been received in evidence as U.S. Exhibit No.217. I shall not quote from that letter now.

This shift of control to WVHA, the economic department of the SS, coincided with the change in the basic purposes of the concentration camps. Political and security reasons, which previously had been the grounds for confinement, were abandoned and the camps were frankly made to serve the Nazi slave labor program. The tribunal will recall the evidence relating to that program which was presented last week by Mr. Dodd. I shall not burden the tribunal by dealing at any length with the evidence there introduced, except to summarize the principal facts bearing on SS responsibility which were demonstrated by that evidence.

To satisfy the increased demands for manpower it was not enough to work the inmates of the camp harder. More inmates had to be obtained. Through its police arm the SS was prepared to satisfy this demand, as through the WVHA it was prepared to work those who were already in the camp.

THE PRESIDENT: Have you any figures you can give the Tribunal as to the total numbers in the SS and the total numbers who were employed on concentration camps? If you gave the total number of the SS and the total number employed in concentration camps, we should see what the proportion was.

MAJOR FARR: I think I can only give you these figures: I earlier quoted some figures from d'Alquen in his book published in 1939, in which he said the total strength of the General SS was about 240,000. That is the General SS. It was not at that time engaged in the guarding of concentration camps. The Death Head Units at that time consisted of some three or four regiments at the most. They were the guards; so that of the personnel who were employed in actual guard duty there were, in 1939, about three or four regiments.

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The Court will recall that after the war Totenkopfverbaende were no longer employed in that duty and that the members of the General SS took it up. How many were employed in something that is difficult to estimate. The concentration camp program was constantly expanding, and of course as more camps were added more personnel was needed. I can't give the Tribunal figures on the number of persons involved in guarding the camps, but one of the matters I think significant is this: we have not only guards but we have administrative personnel. We have the whole of the WVHA, which, as I want

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to show by evidence, had complete control of the management of the concentration camps. The members of the staff office, WVHA, were derived from the General SS; so you have on the one hand the guard personnel, Death Head Units, up to 1939, and then you have after 1939 more guards from the Allgemeine SS. You have, after 1939, four guards from the General SS and also administrative personnel from WVHA.

I don't have the figures on how many persons were engaged in one or another phase of the concentration camp activities. It was widespread. You have, of course, the SD and Security Police involved in it in so far as they went out and seized victims. You have WVHA, the entire administrative personnel of that section, involved in it in so far as they handled administrative matters.

Some conception of the number of persons who must have been engaged in the activity may be gained from noting the number of persons involved in a camp. I have a document, a report by WVHA, in August 1944, which reports the number of prisoners who were then on hand in the camps and the recent arrivals who were expected. That document is our Document No.1166-PS, which I will now offer in evidence as USA Exhibit 458.

THE PRESIDENT: I don't think we had better go into that tonight. What will you be dealing with tomorrow?

MAJOR FARR: Sir, I intend to offer evidence showing how WVHA was involved and how other SS personnel were involved in the control of every phase of the concentration camp program. That is the first thing. The second thing is to point out the role that the SS played in the persecution and extermination of the Jews, not with a view to repeating the substantive evidence, to show that such acts took place, but to show how many parts of the organization were involved in that program.

Then I shall consider the role of the SS with respect to preparations for aggressive war and the crimes against peace, a relatively brief discussion, and then pass on to the role that the SS played in war crimes and crimes against humanity, set out in Counts 3 and 4 of the Indictment, and finally, the role of the SS in the colonization program.

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THE PRESIDENT: Colonization?

MAJOR FARR: That may be an unfortunate word. Perhaps I should have said Germanization program, a program of resettlement, evacuation, colonization, and exploitation of the conquered territores.

Those, I think, are the four main functions of the SS which remain to be considered, and I shall endeavor not again to go into the substantive crimes which have already been shown to the Tribunal, but to try to show how almost every department--in fact, every department of the SS and every component-- was involved in one or more, and mostly more, of these crimes.

THE PRESIDENT: The Tribunal hopes that you will be able to confine yourself to the reading of evidence which is not cumulative.

MAJOR FARR: I have that in mind and I don't intend to do that except to show the figures and components of the SS which were involved in various programs.

THE PRESIDENT: Very well.

(Whereupon at 1705 hours the hearing of the Tribunal adjourned to reconvene at 1000 hours, 20 December 1945.)